

Check against delivery

39th Meeting of the Standing Committee
Agenda Item 4(i)

Statement by Erika Feller
Assistant High Commissioner – Protection

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Thank you Mr. Chairman.

My short introductory remarks will focus on certain of the current, over-arching protection challenges for UNHCR which have been central to my responsibilities for the year or so that I have held this new position of Assistant High Commissioner for Protection. I present them in fulfillment of a commitment to keep this Committee informed about how the position is contributing to more effective protection delivery by UNHCR. The Note on International Protection will then be reviewed for you by the Director of the Division of International Protection Services, Mr. George Okoth-Obbo.

You have heard much over recent times about UNHCR's efforts to develop a "culture of results" within the Office. This applies as much to protection as it does to any other aspect of what we do. Clear objectives, accountability frameworks and strategic planning with performance targets obviously promote the achievement of actual outcomes. To encourage the setting of objectives for the Office which are globally relevant and identified within the organization in a participatory manner, I have sought to institutionalize the role and input of UNHCR Field Offices in the elaboration of protection policy and the tools to support it. To this end, I have led the creation of a Field Reference Group on Protection Policies, currently consisting of some 21 field staff, who are considering together a diverse range of issues including protection in the context of mixed movements (the asylum/migration nexus issues), UNHCR's protection responsibilities for internally displaced persons, the factors that determine UNHCR's decision to "exit" from a particular refugee situation and how to make greater strategic use of resettlement to open protection space.

UNHCR is regularly called upon by this Committee to be particularly results-oriented when it comes to the better protection of women and children. Accountability mechanisms which ensure implementation of responsibilities and permit some oversight thereof are recognized as key to results-based management. I have had management responsibility for the piloting and roll-out of the Accountability Framework for Age, Gender and Diversity Mainstreaming. The Framework establishes minimum standards of office practice so as to foster an environment conducive to equitable and respectful treatment for all persons of concern. It was piloted in 21 country operations, as well as with Senior Management at Headquarters and, on the basis of the positive assessment it received as a helpful management tool for mainstreaming age and gender issues, it was recently officially launched for application throughout the organization. We are currently

looking at how to use the information it will generate, going beyond assuring individual accountabilities, in the service of broader advocacy.

As to frameworks, the Strengthening Protection Capacity Project (SPC) has received my close attention. It has gone from strength to strength as an important tool to measure protection gaps in our operations and plan projects to address them. The project subsumes activities in the area of refugee security, SGBV prevention and response, admission, registration and documentation issues, access to justice projects and self-reliance and livelihood strategies which *inter alia* build in health, education and income generation. The SPC methodology has now been distributed to all field offices, who have been encouraged to undertake the gaps assessment it supports. The SPC Framework was not only used in the design of the FOCUS software, but is also being used for the revisions to the annual reporting framework to ensure that planning, assessments and reporting arrangements enjoy greater consistency. Links between the SPC Project and resource mobilization strategies and frameworks have been made. To date, the SPC Project has attracted for UNHCR's protection activities over USD13 million, with the number of projects pending funding approval growing. Comparable gaps assessment tools for application in IDP situations and in statelessness situations are respectively being developed.

One of my key objectives has been to encourage the operationalising of our protection mandate within the strategic framework offered by the Agenda for Protection, whose five-year anniversary is upon us. Concerns at the interface of asylum and migration movements, which the Agenda flags for particular and intensified focus, have been a driver of recent missions, notably recently to Yemen and Libya, and featured as a repeated theme in consultations between my office, our field colleagues and the Bureaux. Protection in the context of mixed movements will be generally reviewed at this session of the Standing Committee and, in addition, should be the main issue on the agenda of the first meeting of the High Commissioner's Forum, tentatively programmed for the third quarter of the year.

What recent missions have clearly brought out is that, statistically speaking, refugees do not form a very large part of those people moving irregularly in growing numbers to and through countries. However, the challenge is less the actual numbers and more to ensure that the system in place to deal with irregular migration is one which is sufficiently sensitive to the demands and responsibilities of refugee protection. This requires that asylum seekers, or better stated those with protection problems, are able to be identified, as well as have their protection needs assessed and addressed, within an overall migration control framework. It was with this aim that UNHCR put on the table its Ten-Point Plan of Action on Refugee Protection and Mixed Migration. The Plan, as you are aware, sets out a certain number of areas where UNHCR believes initiatives are called for and where the Office has experience to contribute and potentially some role to play, albeit in partnership with other key, and often more directly involved, actors. In the interests of again trying to dispel any ambiguities here, UNHCR is not a migration agency, has no intention of becoming one, and certainly will make all efforts to prevent any mischaracterization of problems as refugee problems, when in their essence they are not.

Yet again, to be crystal clear, many mixed movements have a small but needing-to-be-addressed refugee component, and UNHCR here has a mandate and expertise to offer States as they endeavour to put in place the appropriate response framework.

We have offered this capacity to countries such as Yemen, confronted as it is by a complicated mixed movement situation. I take this opportunity to commend in particular the openness and receptiveness of the Yemeni authorities to the arrival of Somali refugees. That country has implemented its responsibilities consistently and conscientiously, but not without a certain cost. In particular the assistance needs of the urban Somali population in Yemen, are well beyond local capabilities and are not being offset by sufficient international assistance. Part of the problem lies in the fact that, despite the magnitude and drama of movements across the Gulf of Aden, appreciation of Yemen's problems internationally has been rather limited. Yemen has repeatedly requested more support. However, as the situation becomes increasingly protracted, boat arrivals become a routine occurrence, and the developments in Iraq or Darfur eclipse them in the public mind, the interest of the press and the donors has tended to subside. Hence UNHCR is currently promoting a more comprehensive effort to improve the protection capacities of the government, enhance assistance to it and aid in the realization of solutions.

The problem of mixed movements is a global phenomenon and is a feature, in one form or another, of all the operations I have visited. Of growing concern are the situations where governments, determined that their territories not become transit or destination countries for irregular migrants or secondary movers, adopt harsh measures of deterrence and start putting into question the propriety and legitimacy of any protection activities, particularly those of UNHCR. The argument seems to be that protection is a pull factor. UNHCR's response is that the pull factors for irregular migration include economic opportunities, family and community links, and ease of onward movement. UNHCR by no means ranks as the main attraction. It is quite a challenge for the Office to prevent its protection activities being circumscribed to such a point that its mandate becomes an academic notion. The mandate to ensure international protection is an obligatory, not a discretionary one, and a responsibility which cannot be separated from UNHCR's presence in the country. This being said, the Office accepts that it has a responsibility to perform its mandate in a way which contributes to resolving problems, not exacerbating them. To this end, we will be looking with our Field Reference Group on Protection Policies at how to minimize the pull factor, should it exist, of mandate refugee status determination.

The protection and assistance of internally displaced populations is another high policy priority for UNHCR and for my office. The evolution of inter-agency cooperation built around the so-called cluster approach has given positive impetus to the activities of UNHCR in this area. From the protection perspective, one of the challenges has been to ensure protection delivery, even while the focus has been on improving protection coordination amongst the agencies. The challenge is to put in place an accountable and predictable system which facilitates delivery, without over-bureaucratizing relations between partners. UNHCR's close cooperation with the Representative of the Secretary-

General on the Human Rights of IDPs, Mr. Walter Kaelin, has made a qualitative contribution to how we concretize our protection mandate. In addition, the real time evaluations of internal displacement situations in which UNHCR has coordination responsibilities should generate useful findings.

From my perspective, particular missions, notably that to Colombia, have also offered important lessons in this regard. Admittedly Colombia is not a typical IDP situation in that there are no camps and the country is blessed with a sophisticated network of official and statutory institutions set up to legislate for and protect the rights of its citizens. However, displacement is both significant in terms of numbers and widespread, with physical insecurity, socio-economic factors for the displaced groups and the absence of medium-term solutions all being features. UNHCR has often talked with this Committee, over a number of years, about prevention being the best form of protection. The Colombia operation is interesting in that it explores what this means programmatically. Also innovative is the manner in which the constitution and the legal system in that country is being activated in the service of better IDP protection. This Executive Committee has repeatedly stressed, including in recent times, that international law may be persuasive but that national law is the key to guaranteeing the rights of citizens. The problem in a number of internal displacement situations, however, is that the national legal framework is not well developed when it comes to displaced persons and what is interesting in Colombia is how the system can indeed be activated to compel action in favour of IDPs and to close the gap between law and the public agenda more innovatively. Partnerships are key in this operation, as with all others where IDPs are the beneficiaries of our activities. A challenge for protection is finding the right balance between catalyzing the doing of protection by partners and actually undertaking protection interventions ourselves.

IDP and refugee operations have in common the challenge of disengagement. All UNHCR's operations are based on the assumption that the Office will phase down, indeed phase out, of a country or regional programme once the objectives of that operation have been achieved. This applies equally to UNHCR activities in regard to refugee, returnee or IDP situations, and the Office's presence in countries of origin as well as countries of asylum. It is a truism to say that this is easier said than done. The Office is in need of clear exit strategies which are predictable and well understood and supported by governments. It is of concern that in some recent situations, exit has been compelled by waning donor interest and absence of resources much more so than by durable resolution of problems and accessibility of proper solutions. At the end of any displacement situation, understandably a certain "displacement fatigue" sets in with issues of return and reinstallation increasingly taking second or third place on political agendas as the affected countries look forward to a new era of development and international cooperation. The danger, however, is the temptation that the persons still displaced – quite often in not inconsiderable numbers and in destitute situations – in effect might be written off as casualties of war or the victims of history. UNHCR has a mandate obligation in relation to persons of concern to go that extra mile and make a final renewed effort to encourage the bringing of any displacement problem of this nature to a decent and a dignified end for the maximum number of people. While there can be

no universal blueprint for how to downsize and when to exit, it is important to have benchmarks. UNHCR needs to manage its phasing down as a strategy, not a reaction. A recent mission to the Western Balkan countries very much underlined the primacy of being benchmark-driven, not deadline-driven, and hence I have put on the agenda of our Field Reference Group on Protection Policies the refinement of parameters around which the Office might build exit strategies.

All of the aforementioned issues have been on the agenda of the process of regular consultation on cross-cutting protection issues which I have now put in place with Bureaux Directors. Over recent months we have looked at quite a range of issues, which have additionally included, for example, how the protection responsibilities of the various regional platforms will be managed following decentralization. The resource requirements that will be necessary to underpin these responsibilities and how oversight of protection performance and global consistency can be ensured in a more decentralized structure are still under discussion. In addition we have reflected together on matters as diverse as UNHCR's responsibilities in situations of statelessness, refugee status determination expertise, the information needs to underpin it, dilemmas for the Office in generating country of origin and eligibility information which matches the needs not only of the Office but also of States, the role of registration in country operations, and how to resource protection programmes in the face of limited human and financial resources.

Given the limited time available, this has been a necessarily summary presentation. However, in short Mr. Chairman, I believe that I can confirm, after more than a year of experience in the position of Assistant High Commissioner for Protection, that the confidence shown by this Committee in creating the position was not misplaced. In my assessment it has an important and ongoing contribution to make to reinforcing a protection culture and consistency of application of the protection mandate throughout the Office.