

Note on international protection (EC/71/SC/CRP.9-rev1)

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This year's Note on international protection demonstrates the enduring value and continued relevance of the international protection regime and explores how the mandate of the Office of the UNHCR has adapted to emerging challenges. The Note covers developments during the reporting period from July 2019 to June 2020: so, we enjoyed half reporting period without COVID, and the latter half with the additional challenges of COVID, which have been referred to extensively in the AHC-P's introductory remarks.

Over the 70 years of our existence, UNHCR has maintained a humanitarian, social and non-political character as set out in its Statute. Our mandate is fundamentally legally framed, however protection should not be understood or limited only to the legal dimension: its legal, physical and material dimensions demand that for protection to be effectively enjoyed it must be effectively operationalized, and the experience of COVID-19 during which UNHCR colleagues worldwide have made a fundamental commitment to stand and deliver on protection to persons of concern has illustrated that more than ever before.

COVID-19 has challenged fundamental norms of refugee law, particularly the right to claim asylum and the principle of non-refoulement; but this Note shows how UNHCR, in cooperation with Partners, has adapted to changing times and demands. It recalls the basis of UNHCR's mandate and engagement with persons of concern and traces developments over time. Recognizing the enduring relevance of the Office's founding instruments, it illustrates the ways in which UNHCR has risen to contemporary challenges – reshaping its approach, while remaining committed to the principles set out in the Statute.

Since 1950, and building on State practice and treaty law, the General Assembly and ECOSOC have expanded UNHCR's competency to include the prevention and reduction of statelessness and the protection of internally displaced persons (IDPs), and the needs and protection responses to both of these caseloads are set out in the Note.

Ensuring international protection in cooperation with States has remained at the core of UNHCR's work, especially when defining how protection needs are determined and to whom protection is extended.

Currently 149 States are party to either the 1951 Convention, or its 1967 Protocol, or both. International refugee law has expanded significantly at the regional level, broadening the criteria for refugee status and calling for State solidarity and cooperation. Examples to which I refer are the 1969 Organization of African Unity (OAU) Convention, the 1966 Bangkok Principles on the Status and Treatment of Refugees, the 1984 Cartagena Declaration on Refugees, in addition to the European Union Qualification Directive and other relevant instruments of the Common European Asylum System. And in the early part of the reporting period, you will recall that the African Union marked the 50th anniversary event of the 1969 OAU Convention with many important events and significant advances on refugee protection in many States of the African continent.

During the reporting period, many States have improved their asylum systems, but conversely there are others who have put in place measures that infringe upon the right to seek asylum, and that are in violation of the principle of non-refoulement. Some States have declined to assume their responsibilities for ensuring functional national asylum systems, despite years of good faith and willing support from many partners. UNHCR intends to continue to offer support to States on their national asylum systems, including under the auspices of the Asylum Capacity Support Group, to which the AHC-P referred.

Of the operational challenges which frame our protection work, some are worth of particular mention here this morning, including the dynamics of mixed movements which see large numbers of people to continue to move across international borders, often irregularly and in dangerous conditions. While the human rights of refugees and migrants should always be respected, there are legal distinctions and the positions on protection do differ.

While States' actions are fundamental and at the core of the quality of asylum, UNHCR recognizes also that long-term protection and solutions can be achieved only in close partnership with affected individuals and communities, and community-based protection approaches have been highly effective in promoting social cohesion and in tackling some of the most enduring and pernicious protection challenges including sexual and gender-based violence, gender inequality, child protection and the continued exclusion of marginalized groups including people with disabilities. Amongst the operational challenges we face, even before the onset of COVID, there are many, but in the interest of time, I will mention only two and will refer you to the Note for more detail.

Reducing the environmental impact of displacement is a challenge that is taken on additional significance in recent years; also addressing the increased use of detention is a challenge which we face and UNHCR's 2014-2019 "Global Strategy: Beyond Detention", looking at alternatives to detention, did result in some significant progress.

On solutions I will say very little, because this has been addressed to some degree in the AHC-P's statement, and we have in addition, as the Chair has already referred to, a specific paper which will provide an update on voluntary repatriation and on the Three-Year Strategy on Resettlement and Complementary Pathways. On voluntary repatriation, I will simply say that voluntary repatriation in safety and dignity based on a free and informed choice, and supported by reintegration assistance, should offer a substantive number of refugees a sustainable option to bring their refugee status to an end.

Regrettably, and as shown in the 2019 Global Trends report issued on World Refugee Day, the numbers do not unfortunately bear this out. Questions around the issue of enhancing self-reliance will be addressed by my colleague Sajjad Malik, later in the agenda.

I will make a few comments on those populations of concern that are in within our extended, expanded and developed over the past 70 years mandate.

UNHCR's statelessness mandate has significantly evolved since the Office's establishment when the 1950 Statute called upon UNHCR to address the situation of stateless refugees. The IBelong campaign has driven concrete achievements across the globe with some of the new accessions and other achievements to which Ms Triggs referred. The mid-point of the campaign in 2019 was marked by the High-Level Segment on statelessness which saw many practical and pragmatic pledges made by States.

On internally displaced persons, as we will also have a separate Update on this from my colleague Sumbul Rizvi, I will make only three points: to note the concerning numbers, the huge increase in

internal displacement reflected in the Global Trends; on a more positive note: the role of UNHCR through the past three years of commemorating the anniversary of the Guiding Principles and the recent establishment of the High-Level Panel on Internal Displacement, all developments which offer new possibilities and new frontiers.

In conclusion, I would say that 70 years since its establishment UNHCR's mandate remains as relevant as when it was conceived, and the Office continues to adapt to changing circumstances. UNHCR's work underscores the importance of a robust legal framework governing the rights of refugees and stateless persons as well as the interests of internally displaced persons.