



Statement of H.E. Archbishop Silvano M. Tomasi , Apostolic Nuncio, Permanent Observer of the Holy See to the United Nations at Geneva at the 42nd Meeting of the UNHCR Standing Committee of the Executive Committee of the High Commissioner Programme  
June 24, 2008

Mr. Chairman,

The Delegation of the Holy See joins previous speakers in expressing its appreciation for the presentations made, and the documents prepared, by the UNHCR's Office. The perspective of human rights that has been adopted addressing refugees ' protection is really timely.

1- The issue of protection comes back with greater urgency on the agenda of the UNHCR in dealing with violently uprooted people. Forcibly displaced people by the on-going conflicts in the Middle East have focused the attention of the international community both on the inadequate action being taken to protect a worldwide increasing number of refugees and of other persons entitled to protection as well as on the growing insensitivity to asylum-seekers, whose number also has been increasing in industrialized and developing countries.

2- Unfortunately, on the global level, statistics show that close to 40 million people are currently uprooted by violence and persecution and are in need of different degrees of protection. A paradox emerges: as the wave of people seeking protection increases, political initiatives, proposed and implemented, move in the opposite direction of greater restriction and more control of access to safety. In the process, genuine victims from abuses of basic human rights and of specific hostility are confusedly catalogued with other people on the move.

3- Protection is a dynamic concept that has evolved since World War II exactly because the 1951 Convention on Refugees tied their protection to the Universal Declaration of Human Rights. Changing situations have required ever new solutions to offer a future to people who had been forced to flee. This possibility had already been foreseen in 1951. The Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons says: "The Conference, expresses the hope that the Convention relating to the Status of Refugees with have value as an example exceeding its contractual scope and that all nations will be guided by it in granting so far as possible to persons in their territory as refugees and who would not be covered by the terms of the Convention, the treatment

for which it provides." ( A/CONF.2/108/Rev.1, 25 July 1951.) In that spirit, as authorized by the U.N. General Assembly, the High Commissioner has exercised his protection mandate by using the concept of good offices to provide assistance to refugees outside the competence of the United Nations (UN General Assembly Resolution. A/RES/1388. 20 November 1959).

4- Regional instruments have been developed, like the Convention of the Organization of African Unity (10 September 1969), which expands the definition of refugee to "every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality". The Cartagena Declaration on Refugees, (22 November 1984), which addresses the situation in Central America, recommends to include as refugees persons "threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order".

5- With the passing of time, the General Assembly has extended the UNHCR's protection capacities to groups who were not covered in the Convention like stateless people, returnees, and certain groups of internally displaced people. The UNHCR Executive Committee's Conclusions, unanimously adopted, has indicated how to deal with specific situations. In addition, other human rights Conventions cover persons in need of protection, even when their requests for asylum are rejected.

All these steps have been taken prompted by the conviction that international protection is not a static, but an action-oriented commitment aimed at finding solutions so that uprooted people may restart their life with dignity.

A similar spirit should apply also to today's challenges and problems. A hopeful initiative is the proposed Convention for the Protection and Assistance of Internally Displaced Persons by the African Union, foreseen for adoption in November this year. Such legally-binding Convention could serve as a stimulus for the protection, prevention and assistance of IDPs in other continents.

Mr. Chairman,

6- The experience of displacement in the world is further complicated by the fact that the precarious situation of all refugees is more acute in unstable regions where most of them are found; only 5% are accepted in rich countries. For many, protracted exile turns into an added condition of suffering and some six million persons find themselves blocked in such a situation.

7- Today, therefore, protection remains a concept that can be further enlarged to include people with precise protection needs. There are some additional specific observations that can enter the protection discussion:

- a. the right to sufficient food within camps so that refugees may not feel forced to seek employment outside the camps and put themselves at the risk of arrest and deportation
- b. the case of new countries becoming more accessible to asylum seekers as they are located at the outer boundaries of regional political groups to which technical assistance should be provided, in cooperation with the UNHCR, so that their decision-making process be correct
- c. the need of adequate channels for legal entry and the critical evaluation of control-only policies so that asylum-seekers may not be forced to take the same routes as irregular migrants, and thus become easily exposed to extortions and abuses within such groups and without distinction rejected with them
- d. detention as such should be used as a last resort measure and avoided for minors for whom it is particularly traumatizing.

8 - Finally, Mr. Chairman, solidarity demands that the responsibility toward asylum-seekers be not simply transferred to countries in the regions of origin of the refugees, but it should be shared according to the possibilities of each country or region for the sake of the common good.

Thanks you, Mr. Chairman.