



Statement by His Excellency Archbishop Silvano Tomasi, Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva at the 61st Session of the Executive Committee of the UNHCR
Geneva, 5 October 2010

Mr. Chairman

The Delegation of the Holy See extends its congratulations and thanks to you and in this 60th anniversary year of the Statute of the Office of the United Nations High Commissioner for Refugees and General Assembly Resolution 428, thanks the High Commissioner and his staff for the protection and assistance rendered to persons of concern throughout the world.

The first task imposed by the Statutes of the Office of the High Commissioner was to promote “the conclusion and ratification of international conventions for the protection of refugees.” As we are all aware the year 2011 will mark the 60th anniversary of the Convention Relating to the Status of Refugees. A major response has been given.

Mr. Chairman, the Statute imposes upon the High Commissioner the duty to “improve the situation of refugees”. Of course, this is a responsibility shared with States, and over the years much has been accomplished. We were dismayed, however, to read in last year’s report on *Global Strategic Priorities* (EC/60/SC/INF.2) that at the time of writing there had been 1,777 credible reports of refoulement occurring in at least 60 countries. These numbers did not reflect the tragic events occurring to some asylum seekers at the end of 2009. Was it possible also to consider *unreported* cases of refoulement and ‘push-back’ to unsafe countries, we would be face-to-face with a protection deficit of considerable proportion? All of us need to reflect seriously and remain engaged in how to give priority to people even though protection space is shrinking.

In the words of the Statute, refugees, persons needing and desiring international protection, are within “the competence” of the High Commissioner, especially within the context of his particular competence by using his good offices to seek and frame solutions for refugees and other persons of concern. Recent initiatives on assuring protection in contexts of mixed migration, including regional and international processes to actualize the 10 Point Plan of Action, have wisely engaged the range of actors in states, international organizations and NGOs, and have been of increasing practical value. My Delegation would further welcome the adoption of an Executive Committee Conclusion about persons of concern with disabilities. At the same time, we wish to encourage the High Commissioner in his endeavors to address the problems of birth registration for people of concern.

Commitments to current solutions, however, are not sufficient, a fact painfully evident in today's 36 and a half million persons of concern to the UNHCR and, among them, in the distress of so many millions of refugees in protracted situations. Even with the welcome commitment to formal new resettlement programs by a number of countries, resettlement places worldwide have fallen to a level less than half of the resettlement need that UNHCR has identified for the coming year. The solution of resettlement merits greater support, as do voluntary repatriation and local integration, where numbers have also been low. With this in mind, my Delegation is supportive of the High Commissioner's exploration of channels of legal labour migration to provide additional refugee solutions. Indeed, refugees tell us how important legal livelihoods are to their own search for solutions and, as we all see, more than a few choose to go in this direction even outside of legal channels. The *sine qua non* of such a "fourth durable solution" however would have to be specific attention to the unique and enduring protection need of the refugees.

Mr. Chairman, refugee protection is inextricably linked to recognition of status as a refugee. The Holy See continues to be alarmed by the trend among developed nations to externalize status determination procedures, especially to places with records of violation of human rights. A convergence of efforts seems called for to develop criteria of protection for vulnerable forcibly uprooted people still left in the gray areas of the law. My Delegation also deeply regrets the practice of detention of asylum seekers. This is particularly lamentable when it results in the separation of families and or the detention of children. We are pleased by UNHCR's participation and leadership in the roundtable on alternatives to detention which was held in Seoul, in April of this year. Before leaving the topic of status determination, my Delegation notes that in far too many States the responsibility for status determination is still left with UNHCR, even in States which are party to the Convention. While States need to undertake this duty, UNHCR has to ensure that all procedural and other safeguards it recommends to others in regard to status determination, particularly the assistance of counsel and right to a meaningful appeal process, be present in its status determination procedures.

The world and the High Commissioner's responsibilities have moved on since 1950. The General Assembly has encouraged the High Commissioner to extend his good offices on behalf of conflict-induced internally displaced persons. In 2009 for the first time, there were more internally displaced persons of concern to UNHCR than refugees. Like refugees, IDPs as presently defined are the product of violations of human rights which are part and parcel of any armed conflict. Any durable solution for IDPs must be based on recognition and protection of human rights.

Mr. Chairman in this year the two largest displacements of persons have been the result of natural disasters: the January 12th earthquake in Port-au-Prince and the enormous flooding in Pakistan. My delegation compliments the role UNHCR played in coordinating protection and assistance in each of these calamities.

Lastly, Mr. Chairman, we are reminded that the Statute instructs the High Commissioner “to reduce the number requiring protection.” Such a reduction can only come about through the recognition, defense, and fostering of human rights, be they political, social, cultural or economic. This way of avoiding destructive conflicts and of safeguarding the dignity of every person is the main road to promote the common good in any country and in the global community and the best prevention of forced displacement.

Thank you, Mr. Chairman.