



# SALA STAMPA DELLA SANTA SEDE **BOLLETTINO**

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## **INTERVENTO DELLA SANTA SEDE ALLA 59ma SESSIONE GENERALE DEL COMITATO ESECUTIVO DELL'ALTO COMMISSARIATO DELLE NAZIONI UNITE PER I RIFUGIATI (UNHCR)**

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È in corso a Ginevra dal 6 al 10 ottobre 2008 la 59ma Sessione Generale del Comitato Esecutivo dell'Alto Commissariato delle Nazioni Unite per i Rifugiati (UNHCR).

S.E. Mons. Silvano M. Tomasi, Osservatore Permanente della Santa Sede presso l'Ufficio delle Nazioni Unite e delle Istituzioni Internazionali a Ginevra, ha pronunciato ieri l'intervento che pubblichiamo di seguito:

### **• INTERVENTO DI S.E. MONS. SILVANO M. TOMASI**

Mr. Chairman,

1. The spotlight of public opinion currently is placed on the crisis of financial markets, on the present form of economic organization, and on the irresponsibility and greed of some managers that led to it. The consequences of this enormously complicated crisis exert a grave impact on vulnerable groups in society and give concrete evidence of the interconnectedness and lack of equity in today's world. Additional challenges of great urgency confront the international community. Climate change leads to scarcity of food and lack of water, to the degradation of the environment and an increase of natural disasters. Together with related conflicts in some regions, all these factors result in an intensification of forced displacement of people and a greater uncertainty about our ability to provide them with the protection and assistance they need. This moment, on the other hand, can reawaken the awareness that it is really a common responsibility to determine whether the 'global village' thrives or suffers.

2. Natural and man-made disasters expose millions of persons and families to conditions of extreme poverty and to violations of their basic human rights. Such unbearable situations make it impossible for them to remain in their usual place of residence, much as they would like to do so. Looking at the future, the condition of uprooted people appears more bleak and ambiguous than ever. In view of the emergence and overlapping of these new complexities, our discussions about protection can be confronted with significant obstacles. Political responses,

immediate assistance, and technical know-how are necessary. However, a clear ethical dimension also must be acknowledged and should be placed at the center of debate as we formulate decisions on how to move forward with adequate protection.

The Delegation of the Holy See has participated with great interest in the discussions about protection. It has supported the priority accorded this urgent topic in recent UNHCR initiatives like the Conclusions on the Provision on International Protection Including Through Complementary Forms of Protection (2005), the Conclusion on Women and Girls at Risk (2006) the Conclusion on Children at Risk (2007), the Commissioner's Dialogue on Protection Challenges (2007), and the Agenda for Protection (2002). In fact, the UNHCR was mandated by the General Assembly to extend its protection capacities to new groups: stateless people, returnees, and certain groups of internally displaced persons. Over the years, the concepts of "group determination (*prima facie*)" and of "temporary protection" were introduced when considering situations of mass influx movements. In addition, regional agreements and the cluster approach enlarged the field of protection and the capacity to respond.

3. The process of alerting States about new demands for protection shows both a pragmatic method and a dynamic understanding of the implications of the 1951 Refugee Convention and its related Protocol of 1967. In the same spirit, through regional instruments, States have examined their respective local reality and have agreed upon a more comprehensive and suitable approach by adapting juridical provisions to the evolution of forcible displacement and to geographical conditions. The latest General Conclusion on International Protection, now submitted for approval, rightly points out some current problems of intolerance and failure to meet the rights of asylum-seekers while it simultaneously encourages maintenance of relevant international humanitarian and human rights law as a necessary point of reference. Indeed there seems to be an urgent need to expand reflection and statutory provisions to cover the whole range of the constantly changing situations of forcibly uprooted people.

4. The international community has managed to enact clear and courageous instruments to protect refugees from violence and persecution through the 1951 Refugee Convention and the 1967 Protocol, and through additional regional agreements. Existing refugee instruments constitute the start of a continuum, at the opposite end of which we could place the conventions and agreements enacted by the United Nations and by the International Labour Organization in order to protect labour migrants and their families. At present, between these two policy "poles", are situated millions of other persons forcibly uprooted by desertification, famine, climate change, generalized oppression and abuse of their human rights. Many of these people remain within their own country without receiving the protection they need, and many cross the borders of neighbouring countries in search of relief. Some of these uprooted persons may come under the mandate of the UNHCR, as do those who become stateless. Many of them do not fit the typology of refugees or migrant workers, but the international community cannot ignore their plight nor can it deny the ethical obligation to extend protection to them, as difficult as this task can be.

5. In our interconnected world, we are linked with all displaced people by our common humanity and by the realization that the globalization of justice and solidarity is the best guarantee for peace and a common future. The question then to be addressed is of how to start a process to formalize ways and means for the protection of the millions of persons at the center of the continuum: the responsibility to protect them; providing assistance for immediate survival; criteria for their acceptance in other places; the structures of coordination. Existing best practices and human rights obligations can serve as a starting point to move toward a juridical instrument.

6. The experience of the international community with the implementation of legally binding conventions shows the value of the experts' committees that monitor and advise a converging interpretation of their content. Perhaps a similar group for the Refugee Convention can be a useful complement, possibly within the existing structures of the UNHCR, at this moment when courts, at times, diverge widely in their interpretative decisions.

7. In conclusion, Mr. Chairman, the continued effort to safeguard the human rights of all forcibly displaced people is in line with a consistent ethic of life and with an ever more complete implementation of the Universal Declaration of Human Rights, whose 60th anniversary we mark this year. Displacement is not a phenomenon

isolated from other social realities. It is the result of political decisions, of neglect and lack of preventive action, and also of unforeseen natural events. It falls within the responsibility of the State and the international community. An adequate response, therefore, is not possible without coherence in the action of agencies and actors involved and mandated to work for the best solutions. The creative alertness required for such solutions should move the international community to undertake new steps in protection. While juridical instruments are necessary, ultimately a culture of solidarity and the elimination of the root causes of displacement will sustain the protection system.

Thank you, Mr. Chairman

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