

International Maritime Conference – Galle Dialogue 2016

Strategic Partnership and Implementation of UNHCR Mandate

**Excellencies,
Distinguished delegates,
Ladies and gentlemen,**

UNHCR is grateful to the Sri Lankan Navy and the Government of Sri Lanka for the invitation to participate in this year's International Maritime Conference – Galle Dialogue 2016.

The scale of internal and international displacement over the last few years has reached unprecedented levels since the unimaginable horrors and suffering the world community has faced during the Second World War.

Some **65 million people** are affected and have been forced to move as a result of the conflict, violence and human rights abuses. While I am able to state that fact in one simple sentence, that simple sentence represents 65 million destinies, fearful experiences, daily examples of human and material losses, girls and boys, women and men who have, and still are living through the immense deprivation, crime and persecution as their families, homes, communities and way of life are falling apart.

Mr Volker Turk, UNHCR's Assistant High Commissioner for Protection, has stated the following while reflecting on **protection developments** over the past year during the 67th Session of the Executive Committee¹ of the High Commissioner's Programme held in October 2016 in Geneva:

*"(...) Reflecting on protection developments over the past year, I must admit the following image, first coined by Antonio Gramsci, has come to mind: **"The old world is dying, and the new world struggles to be born. Now is the time for monsters."** The monsters in today's world most certainly are horrors of raging conflict, violence and human rights abuses, which people flee within or outside their countries year after year, often confined to an existence of displacement with no end in sight, seeing the societies they lived in changed forever. (...)"*

Distinguished delegates,

¹ UNHCR's governing body consisting of member States parties to the 1951 Refugee convention.

I will share with you some of the key features from UNHCR's analyses of the global forced displacement data available by mid this year. As we look at these disturbing numbers, please do keep in mind the actual human experience behind numerical signs and challenging protection realities faced by people in different regions of the world.

In June 2016, **65.3 million people** were forcibly displaced; this is more than a population of France, the UK or Italy, almost 3 times population of Sri Lanka. Some **24 people** are displaced every minute – faster than an average adult breaths. **1 human** in every 113 is affected.

For **every refugee there are 2 persons displaced internally**, often in conditions of great danger.

Forced displacement has doubled in less than 20 years (there were 33.9 million in 1997) and has accelerated sharply in last five years.

Nine out of ten refugees are hosted in poor or middle income countries. Three countries (**Syria, Afghanistan and Somalia**) produced half the refugees under UNHCR care.

Eight countries (**Turkey, Pakistan, Lebanon, Iran, Ethiopia, Jordan, Kenya and Uganda**) hosted half the refugees under UNHCR care.

About half of the world's refugees are **children**; in 2015 almost 100,000 were children alone or separated from their families.

Some **10,000 people have died** just on the Mediterranean since the beginning of 2014 (3,751 in 2015). We also saw a death toll rising as a result of the increased 2015 Andaman Sea and Bay of Bengal maritime movements.

Xenophobia and populism are rising together with walls and fences; people are being pushed back, fired at and teargassed at borders.

Distinguished Delegates,

While the numbers speak for themselves; seeing more restrictions being put in place, effectively preventing those in need of asylum to access it, Mr Volker Turk also emphasised the following:

*"(...) It is clear, against this backdrop, that the **international protection regime** is needed as much now as it was when it was conceived. This legal regime, anchored in multilateralism and developed over decades, is a lifeline for millions and has withstood the test of time. It is the part of the "old world" which must be preserved in the formulation of the "new", as conflict prevention, genuine human rights commitments, and good governance remain wanting. We must bolster the safeguards that were crafted for the individuals who suffer the most. (...)"*

The theme of this year's conference could not have been more timely; in the face of such unprecedented challenges, partnership and collaboration have never been more important.

UNHCR is positive that only through forging new and reinforcing existing strategic partnerships the global citizenry would be able to move to a new level; as we collectively continue to do more to deliver protection and durable solutions to forcibly displaced.

This year's **global events** have been coloured by the theme of **co-operation and solidarity** and the recognition that the solution to international humanitarian problems lie in international co-operation. A number of events were organized in this spirit ranging from conferences on the Sustainable Development Agenda, the Paris Climate Agreement to the May Humanitarian Summit.

On September 19, 2016, the United Nations General Assembly held a Summit on Large Movements of Refugees and Migrants. 193 Member States adopted the **New York Declaration on Refugees and Migrants**; clearly articulating that the global refugee and migration crisis cannot be managed by one country alone, but by a predictable and collaborate international response based on **solidarity** and **responsibility-sharing**.

Reinforcing the significance of refugee protection in adopting the Declaration, Member States declare **profound solidarity** with persons who are forced to flee; States reaffirm their obligations to **fully respect the human rights of refugees and migrants** (through adherence to the international protection regime – 1951 Convention, human rights and humanitarian law); and they pledge robust support to countries affected by large movement of refugees and migrants – underpinning the notion that **responding to refugees was a shared international responsibility**.

The Summit further solicited uncontested agreement that **development approaches** must be paired more firmly with humanitarian responses and, in particular, to improve education and economic opportunities for refugees and communities in which they live.

The growing engagement of the **private sector** is necessary and is becoming reality; for instance Mr George Soros pledged 500 million USD for companies, start-ups and other private sector initiatives by refugees and migrants.

The New York Declaration charts a new course for refugee protection in two significant ways:

States agreed and tasked UNHCR to develop a **Comprehensive Refugee Response (CRR) Framework** and the **Global Refugee Compact (GCR)** by 2018. This will set out a blueprint for a stronger system with more reliable funding and early engagement of development actors to help those forced to flee their homes and communities hosting them.

On 20th September, the day following the General Assembly Summit, **the Leader's Summit for Refugees – initiated by President Obama** – offered specific commitments to support refugees and hosting countries; essentially offering concrete pledges that will help operationalize the New York Declaration.

In the words of **Mr Filippo Grandi**, the High Commissioner for Refugees, the New York Declaration “(...) *fills what has been a perennial gap in the international refugee protection system – that of truly sharing responsibility for refugees, in the spirit of the UN Charter. (...)*”

This, Distinguished Delegates, in the eyes of UNHCR, is a clear recognition that stronger partnerships are necessary if we wish to see that the “**monsters**” of *raging conflict, violence and human rights abuses* do not continue to haunt millions of human beings.

They are essential at all levels in the face of the ever-growing suffering and violations of rights that forces millions of people to leave their homes and face other deadly risks and perils, such as death at sea or abuse in the hands of the criminal human trafficking rings, as they seek to reach safety.

UNHCR governing body, its **Executive Committee**, recognized it in its October **Conclusion** urging all States and UNHCR to increase their efforts to further strengthen **international co-operation and solidarity and equitable responsibility and burden-sharing**.

This year's prestigious **Nansen Refugee Award** was given to the “**Hellenic Rescue Team**”. A team of more 2,000 volunteers who saved more than 2,500 lives and assisted 7,000 vulnerable persons bringing them to safety during some 1,000 search and rescue operations during treacherous crossing in the Mediterranean Sea in 2015. They show us how we all can make a difference as they serve as a heroic example of solidarity and cooperation, in the maritime context.

Distinguished Delegates,

It was last year that UNHCR was invited for the first time to contribute to the work of the Conference. We have spoken then about the **regional proposal**² – developed in partnership with the IOM and UNODC - to create inclusive mechanisms to ensure the safety and rights of asylum seekers and refugees in the context of irregular movements at sea. Governments in the region, confronted with the challenges of mixed migration movements in the Bay of Bengal and Andaman Sea, were invited to consider it while addressing the plight of refugees and asylum seekers.

The proposal in **its core premised the strategic partnership** and cooperation among States, international organizations, civil society, host communities and persons of concern themselves. Last year UNHCR noted that “(...) *Only through collective action can a response be achieved that meets concerns over national*

² Bay of Bengal and Andaman Sea – Proposals for Action.

security, the orderly management of migration and borders and the human security of the people affected without creating or exacerbating tensions between States. (...)"

Where are we today?

The 2015 **Bay of Bengal and Andaman Sea** had been building for years. Rohingya from Myanmar and Bangladeshis had been travelling in their thousands to Malaysia via Thailand. The discovery of mass graves at smugglers' camps brought world attention to the movement.

The response by States was largely ad-hoc, with Thailand taking a leading role. The 17 recommendations from the **Bangkok Special Meeting** on 29 May 2015 were very good but, unfortunately, remain largely unimplemented.

Similarly, the recommendations from the **Emergency Meeting of ASEAN Ministers** responsible for transnational crime in Kuala Lumpur in July 2015 are still to see their full implementation. Among other things, these called for the creation of a Trust Fund under the management of the ASEAN Secretariat and a Task Force to guide response. The Trust Fund received several hundred thousand dollars that, unfortunately, remain unspent and the Task Force was never created.

Since the end of the 2015 crisis, the maritime movement has not resumed. Those who have taken the route have advised UNHCR that this is because of stepped up **interdiction**, particularly in Bangladesh and Thailand; significantly **increased costs** for the journey (reflecting the greater risk for smugglers in undertaking it); a **greater awareness** of the perils of the travel (from the revelation of the mass graves) and the possibility of **frustration of livelihood** hopes in Malaysia.

It is too soon to say whether push factors such as the recent violence in northern Rakhine State will again have Rohingya taking to the seas. If they do, based on the one vessel with asylum-seekers reaching Indonesian shores this summer and pronouncements by the Malaysian authorities, recently in response to rumours of boats of Rohingya approaching, the response risks looking very much like it did during the crisis of May and June 2015.

Despite the commitment in the recent (March 2016) **Ministerial Declaration of Bali Process** members, no progress has been made on the two key immediate concerns in response to a maritime movement: **coordinated search and rescue and predictable places for disembarkation**. UNHCR is hopeful that the review of the 2015 crisis, currently being undertaken by Bali Process members, will prompt actions on agreed recommendations.

The UN has recently agreed a five year **Plan of Action** with ASEAN and there is a scope within it for increased cooperation on irregular migration.

Distinguished Delegates

In **Sri Lanka** UNHCR has been working for the last 28 years; supporting the Government in assisting the conflict induced internally displaced persons, Sri Lankan refugee returnees and, from 2012 onward, non Sri Lankan refugees. This is a period in which a number of good practices and examples harnessing partnerships and cooperation among variety of actors - from Government to affected communities - have helped large number of people to overcome the effects of the internal armed conflict, re-establish their lives and realize their positive human potential on their path to achieve durable solutions.

With regards to internal displacement

In August this year, Cabinet of Ministers approved the **National Policy on Durable Solutions for Conflict Affected Displacement**. UNHCR and several other UN family members partnered with the Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs (Ministry of Resettlement) in 2015 to draft the National Policy. The Policy – founded on rights and community based approach – is the blue print that the Government of Sri Lanka intends to use as it enters into the final stages of support for durable solutions for people displaced by the conflict, including Sri Lankan refugee returnees.

Similarly, during the last 2 years, concerted actions by several UN agencies, through the **UN's Peace Building Fund/Immediate Response Facility**, facilitated Government's commitment to enable return of internally displaced persons (IDPs) to their home areas and to lands that have been under the purview of the Sri Lankan Army and/or commercial entities, in some instances, for up to two decades. Interventions in transitional shelter; land, housing and property; water and sanitation; education and livelihoods; mine-risk education and protection monitoring have enabled several communities in protracted displacement to return home.

This partnership grew stronger and further interventions are planned under the wider **Peace Building Fund** support. Interventions in four strategic outcome areas: 1) transitional justice, 2) reconciliation, 3) good governance and 4) resettlement and durable solutions would help Sri Lanka's transition in years to come.

UNHCR, though it will disengage – after 28 years - from directly working with IDPs in Sri Lanka, at the end of 2016, is excited about new opportunities and proud that its share of support went into formation of a truly strategic partnership that carries great potential for Sri Lanka's positive transition.

With regards to refugee returnees

An estimated **100,000 Sri Lankan refugees** continue residing in the state of Tamil Nadu, Republic of India. Their recognition as a vulnerable group requiring Government's assistance to reintegrate upon their return to Sri Lanka is of great importance.

As of to date, **612** Sri Lankan refugees have chosen to voluntarily repatriate through UNHCR's facilitated programme in 2016. This number – although relatively small in absolute terms – is growing for the second year in the row.

This perspective prompted the Ministry of Resettlement to establish the **National Steering Committee** and to gradually consider according refugee returnees with reintegration assistance; in addition to the nominal VOLREP and non-food support that UNHCR provides. UNHCR is looking forward to reinforce this partnership.

With regards to refugees and asylum seekers

Although Sri Lanka has been a refugee producing country for past few decades, stability, economic growth and relatively favourable and tolerant environment have changed her into a **destination country** (or country of asylum, as we refer to it in UNHCR) for those seeking safety and protection from persecution.

UNHCR, while thanking the Government for allowing very necessary protection space for refugees, is still looking forward to forge a strategic partnership in this core area of its mandate responsibility.

Absence of a **policy or legal framework** governing refugee affairs – given that Sri Lanka is not a signatory to the 1951 Refugee Convention – hinders the work of institutions and service providers and leaves some of the people in greatest need of international protection, without basic rights accorded by the national authorities of the host State.

As we are jointly gearing towards the implementation of the **Sustainable Development Goals**, with Sri Lanka already taking significant strides in delivering on promise to “(...) *leave no one behind* (...)” this is one area that UNHCR encourages the Government to take bolder steps in the spirit of international solidarity and shared responsibility.

Distinguished Delegates,

Allow me to once again express UNHCR's gratitude to the organizers of the Galle Dialogue, 2016 and for inviting UNHCR's contribution.

Allow me to conclude UNHCR's statement by quoting part of the contribution given by **HE Mr Aryasinha**, Sri Lankan Ambassador to the United Nations during the October 2016 session of the UNHCR's Executive Committee.

“(...) Single country of region is not in a position to overcome such crises successfully without the mutual assistance and cooperation of others. Solutions to address root causes need the continuous support and collaboration of the international community. The common political will of the international community is a must in achieving durable solutions. In this context, the historic Summit of the UN General Assembly on ‘addressing large scale movements of refugees and migrants’ marked an important milestone to further the engagement by Member States including by developing a “Global Compact for Safe, Regular and Orderly Migration” and a

“Global Compact of Refugees” by year 2018. Sri Lanka fully supports these multilateral efforts to reach productive conclusions with the relevant international legal frameworks and encourages UNHCR to look for practical experiences of countries of origin, transit and destination and the inherent challenges, when developing the proposed “Comprehensive Refugee Response framework” as stipulated in the New York Declaration.”