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INTERVENTO DELLA SANTA SEDE AL COMITATO ESECUTIVO DELL'ACNUR

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Si è tenuta a Ginevra, dal 4 all'8 ottobre 2004, la 55a Sessione del Comitato Esecutivo del Programma dell'Alto Commissariato delle Nazioni Unite per i Rifugiati (ACNUR).

S.E. Mons. Silvano M. Tomasi, Osservatore Permanente della Santa Sede presso l'Ufficio delle Nazioni Unite e delle Istituzioni Specializzate, ha pronunciato, il 4 ottobre scorso, l'intervento che pubblichiamo di seguito:

● INTERVENTO DI S.E. MONS. SILVANO M. TOMASI

Mr. Chairman,

1. The rights of refugees and protracted situations

On the occasion of this year's World Refugee Day, His Holiness Pope John Paul II stated: "Every person needs a safe environment in which to live. Refugees aspire to this but unfortunately, millions in various countries of the world are still living in refugee camps or prevented for long periods from fully exercising their rights".¹ Indeed, Mr. Chairman, the rights recognized to the refugees in international instruments too often remain mere words. In many countries, for example, refugees are not allowed to work, a basic right, and thus earn a livelihood.² Made dependent on food rations, they too often face real crises when these are reduced together with other necessities needed for existence with a minimum of dignity. Moreover their movements are usually limited to the immediate surroundings of camps, often located in remote regions, where refugees and local people are forced to compete for scarce resources with a real risk of new conflicts unless the needs of both vulnerable populations are duly taken into account. The institutional capacity of the international community to realize the rights of refugees seems insufficient. The High Commissioner has renewed a concerted effort for refugee protection through initiatives like Convention Plus, so much needed in countries of first asylum in particular. But greater economic and financial investments, and especially political will, are required. Guaranteeing refugees their rights will assist them in becoming 'agents of development' even in their host country and not just recipients of aid or merely tolerated guests. The option of third country resettlement remains equally necessary and more efforts are called for it. In fact, if international cooperation is lacking, then we are left with a fourth de facto, albeit unofficial, solution: warehousing of millions of people in camps in subhuman conditions, without a future and without the possibility of contributing their creativity. Camps must remain what they were intended to be: an emergency and

therefore a temporary solution. Protracted refugee situations – 7 of 12 million refugees worldwide have been refugees for 10 years or more – seems a growing phenomenon with the consequence of masses of people without hope and generations of children becoming adults with a lost childhood.

2. Repatriation that is 'voluntary'

Voluntary repatriation has today become the durable solution of choice. Fortunately in some countries the situation has improved enough that refugees can return home on a large scale as the reasons why they fled gradually cease to exist, and people have the possibility to restart their lives. What makes all the difference between successful and unsuccessful voluntary repatriation is how people are returned home: if in and to conditions of safety and dignity; what kind of guaranteed benefits they receive and which follow-up activities are developed whether it be demining, helping youngsters born in camps to adapt to rural areas, setting up micro-credit systems, or similar programs. Provisions also need to be in place for settling property questions and land rights. These elements within a comprehensive structural development approach will show that the interest of refugees, as individuals or groups, is at the centre of any plan and it will prompt the refugees to return freely. Voluntary repatriation does not mean just going back. Otherwise there is the risk that people are moved from one difficult situation to a life of misery in their own country. Of course, these plans demand guaranteed possibilities of assistance with sufficient funding by international partners over a longer period to make implementation real. But that is the way of laying the foundation for a dignified return aimed at reintegration with reconstruction and reconciliation.

3. International action

Continuing warfare still obliges numerous people to leave their homes because of fear of persecution, human rights violations, harassment and widespread violence with a systematic use of rape as a war tactic. The cost of such forced movements is very high: the sufferings of people, the loss of lives, the process of eventually rebuilding society. We should not be shy in taking innovative steps, as it was the case twenty years ago with the Cartagena Declaration on Refugees that took into account generalized violence.

International human rights and humanitarian law oblige governments to provide for the security and well-being of all those under their jurisdiction. In particular, each citizen has a right to protection by his or her country. If however a State fails to or cannot take this responsibility and the human rights of a population continue to be trampled upon, then the international community can and should assert its concern, step in and take on this obligation. In this regard, I repeat the position of Pope John Paul II: "Clearly, when a civilian population risks being overcome by the attacks of an unjust aggressor and political efforts and non-violent defence prove to be of no avail, it is legitimate and even obligatory to take concrete measures to disarm the aggressor. These measures however must be limited in time and precise in their aims. They must be carried out in full respect for international law, guaranteed by an authority that is internationally recognized and, in any event, never left to the outcome of armed intervention alone. The fullest and the best use must therefore be made of all the provisions of the United Nations Charter, further defining effective instruments and modes of intervention within the framework of international law. In this regard, the United Nations Organization itself must offer all its Member States an equal opportunity to be part of the decision-making process, eliminating privileges and discriminations which weaken its role and its credibility".³ The timeliness of this intervention is critical to save lives and a test of the international community's commitment to the cause of refugees.

In conclusion, Mr. Chairman, it is measures like these that will help people separated from homes or their land to find a place to live that recognizes their human dignity and their right to security and peace.

1 Angelus, Sunday, 20 June 2004.2 See Universal Declaration on Human Rights, art 23.3 Message for the Celebration of the World Day of Peace. January 2000.[01269-02.03] [Original text: English][B0494-XX.01]