

# 70 Year Protecting People Forced to Flee

## Short regional panel reports

**Region:** Europe

**Hosting/organising institution:** University of Essex

**Session Title:** Developing protection from the outset: A word of many (too many?) meanings?

### **Context/Background of the panel:**

Over the past 70 years Europe has provided protection and solutions directly and indirectly. The end of World War 2 led to massive displacement even after 1945. However, for over 30 years, Europe primarily provided protection through resettling a small number of refugees from outside the region and through aid and trade agreements. The GCR adds a new dimension to protection and solutions and also to the operationalization of interoperability between different actors. How does Europe fit into the new model of the international community acting as a whole?

Panellists reflected on how the concept of protection has developed under international law since the creation of the UNHCR Statute in 1950. Discussants considered what protection means for individuals under international law, and looked at how European responses have been influenced by external voices and how practice and developments in Europe affect protection beyond the region.

### **Major points arising from speakers and discussions:**

Rossella Pagliuchi-Lor addressed the shifting definition of protection since 1950, when it was envisioned that governments would provide the practical protection of asylum to refugees, and UNHCR would promote the drafting and application of international agreements and strengthen the protection regime. Since then, UNHCR's role in protection has broadened to include a wider range of activities than initially envisioned. One positive element to this is a better understanding of refugee perspectives to drive policy and guidance according to its core mandate. Rosella Pagliuchi-Lor highlighted that the Global Compact on Refugees re-emphasizes UNHCR's traditional mandate, and that despite criticisms it is a crucial attempt to reverse certain trends by focusing on international cooperation and responsibility sharing. It also recognizes that the lives of refugees are linked to their host communities, and the important link between development and humanitarian interventions. She highlighted the importance of considering the refugee crisis as a collective challenge and to seek the assistance and support of a variety of actors, but most importantly to also include the voice of refugees themselves.

Ahmed Shaheed described the obligations of States to "respect, protect, and fulfil" human rights in the context of displacement. States must exercise due diligence in providing practical, not theoretical, protection to those in their care, especially those in vulnerable situations. States must respect human rights by not engaging in activities that violate these rights, for example by not closing borders to refugees, and not forcibly returning people in violation of the principle of non-refoulement. They also have positive obligations to protect human rights, for example by ensuring that refugees in detention centres are not exposed to the same threats that they were fleeing. And they must fulfil human rights, by making provisions for

everyone to be able to enjoy rights effectively, for example by being able to apply for refugee status, and have an impartial hearing on their case. The interdependent and indivisible nature of human rights can lead to the need for other protection such as housing, education, healthcare, accommodation. As Special Rapporteur on Freedom of Religion and Belief, Ahmed Shaheed has worked on protection at many different stages, from preventing displacement to addressing discrimination in various host countries.

Claire Simmons spoke on how protection of displaced persons under international humanitarian law has changed in the last 70 years, but also highlighted the complementary protection which other bodies of law provide in armed conflict. She remarked that more than changes in the law, the most drastic changes have been in the nature of armed conflicts themselves during this period of time, as there has been a rise of internal conflicts and the role of non-State actors. Claire Simmons spoke of the increasing role of non-State armed groups who are responsible practically, if not legally, for many displaced persons. The role of the Guiding Principles on Internal Displacement in providing practical guidance along a needs-based approach in such cases was mentioned, especially when the law is not clear. On the complementary role of ICRC and UNHCR in providing humanitarian protection to displaced persons, she highlighted that both organisations are different legally, politically, and in what they do in practice. Nonetheless, they have often had to work together, especially in adapting their work to the practical realities on the ground, and sharing their respective expertise in different areas.

Abdikadir Bare Abikar addressed how education can provide durable protection for refugees. He gave a personal account of how university education put him in a better position to go back to his country of origin, provided him with the independence and confidence to contribute to his country's stability, and empowered him to participate in decision-making and leadership roles. He gave examples of how education, especially literacy, was crucial both for life in the camps and in resettlement. Abdikadir Bare Abikar stated that education is more durable than a lot of other aid given to refugees, by providing qualifications for more competitive jobs, improving understanding, and providing the skills and knowledge to lead a better life. He described the situation of many youths who completed university degrees in Dadaab refugee camp who are now working, and serving their communities in nation-building, leadership positions, and other skilled work. In this sense investing in education is a critical aspect because it reduces future costs which may be needed to support refugees' basic needs, by promoting self-reliance and a way to earn their own livelihoods, and by providing incentives to leave refugee camps and return to their home countries.

**Recommendations/Conclusions on the way forward** *(These should be actionable and directed to specific actors where possible):*

For policy-makers and stakeholders, inclusion and leadership of refugees and other displaced persons is vital when seeking solutions for challenges they face.

To those involved in refugee protection, the need to address protection as a collective challenge is crucial for effective protection. This should be done by reaching out and coordinating with different actors (international organisations, faith-based groups, academia, individuals, private sector).

To funding bodies: Funding for education of refugees and other displaced persons is one of the most durable solutions. As well as contributing to their host communities, high levels of

education can allow refugees to have the skills to return to their country of origin, including to support nation-building and leadership.

Addressing refugee discrimination and hostility in host-countries requires addressing structural inequalities in those countries, and an inter-sectional understanding of the discrimination occurring (race, religious, migratory status, class, etc.).

**Top two quotations from the session:**

Abdikadir Bare Abikar "Education goes everywhere with you, like a passport."

Rossella Pagliuchi-Lor: "The refugee crisis is a collective challenge, and we therefore need to seek the assistance and support of everyone."

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