



IRC-UK Annual Lecture 2008

Introduced by Jeremy Carver and chaired by Sir Jeremy Greenstock
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People on the Move: The Challenges of Displacement in the 21st Century **António Guterres, UN High Commissioner for Refugees**



“It’s a huge compliment to the UN system that António Guterres should have moved from the world of politics to serve the United Nations. And it’s a huge compliment to the IRC and to us in this room that he should be here to speak to us tonight. A long political career, Prime Minister of Portugal from 1996 to 2002, President of Socialist International up to 2005, and UN High Commissioner for Refugees since June 2005. Thank you High Commissioner for coming to join us. We look forward to hearing what you have to say to us.”—**Sir Jeremy Greenstock**

António Guterres:

Thank you very much Jeremy for your kind words. I have to say that it is a great pleasure to be here. The IRC is by far our most valuable partner worldwide. We act together in so many countries to help the people we care for. I must say to everybody who supports the IRC that in doing so you are supporting a very effective humanitarian agency and, helping people in some of the most dramatic circumstances around the world.

Today, we have a partnership that goes far beyond the operations in which we act together. It is a strategic partnership integration in the new Global Humanitarian Platform, bringing together the UN family, the Red Cross / Red Crescent movement and the NGO family into, hopefully, a more and more interlinked global compact for humanitarian action worldwide.

I was asked to speak this evening about people on the move. I do believe that the 21st century is a century of people on the move. When I first used this phrase in an interview with a newspaper, they said, “of course, but all centuries have been centuries of people on the move. Look at the huge migration flows of the 19th or the early 20th centuries. Look at the Barbarian invasions of Rome or the Mongols coming into Europe. Throughout history, there have always been large numbers of people on the move.”

I believe that what is different today is, first, there are people on the move everywhere. Migration is not only a south to north movement; it’s becoming more and more a south / south movement. You have Bangladeshis migrating to India. You have people from Central America migrating to Mexico, not only Mexicans migrating to the United States. You have lots of people migrating from Mozambique, Tanzania and Botswana, and now, unfortunately and for many different reasons, from Zimbabwe, to South Africa. It is happening everywhere.

Second, globalisation has made the world smaller. We are now aware of everything that happens on other continents. The earth’s population has grown dramatically at the same time, and the pressure on resources has increased in a substantial way, especially over the last few decades. It will go on increasingly this century.

Last but not least, the movement of people is becoming more and more complex, and the areas of the world that are still free for exploration are becoming smaller and smaller. So, indeed, the capacity of the international community to address the root causes of people on the move and respond to related problems will be one of the key elements in the development of international relations in the 21st century.

When HCR was founded after the Second World War, the issues were relatively clear. We had refugees, people fleeing persecution and war; and all the others were migrants. At present, there are about 11.4 million refugees who have crossed national borders because of persecution or war. But we also count about 26 million people who have been displaced for man-made reasons inside the borders of their own countries. You see already that 'refugee' is becoming a limited concept. Finally, you have about 200 million people living in countries where they are not citizens. Most of these are migrant workers, people moving from one country to another looking for a better life and to give a better life to their children.

Where things become more difficult is in the nature of many of the population movements we are witnessing now. Flows to the European borders, for example, are increasingly mixed, with everybody moving together in a way that makes it difficult to distinguish the varying nature of the movements and groups.

Globalisation has been asymmetric. Money moves freely – some people probably even think too freely. Goods tend to move more and more freely, and we all hope that the Doha round of negotiations will lead to more effective free trade. But the obstacles to the movement of people are still in place, and, to a certain extent, increasing.

This is a paradox. We have more and more people on the move and more and more barriers to their movement. This has created a situation in which a large number of the people who cross international borders do so in an irregular way – I do not like to use the word 'illegal'. And when people move in irregular ways, it becomes all the more difficult to distinguish between economic migrants and bona fide refugees or asylum seekers.

When a boat approaches the coast of Yemen with Somalis and Ethiopians on board, or the Canary Islands with people from different Western African countries, or nears Lampedusa with a group of Eritreans and Ethiopians, the majority in all likelihood will be economic migrants. But some of them are, indeed, in need of international protection and should under international law receive protection because they are refugees or women or children victims of trafficking.

This is another important feature of today's movement of people. Because movement is often irregular, it is a paradise for traffickers and smugglers. One thing I learned when I was a young Socialist is that markets exist and you cannot really govern against markets. You can regulate markets, you can try to solve problems created by the failure of markets to address basic needs, but you cannot really govern against markets. Today, there is a growing global labour market and in this global labour market, supply will meet demand. It will meet it legally if possible, illegally or irregularly if necessary, but supply will meet demand. I believe one of the challenges that Europe is facing today is the need to recognise – and the UK has probably been one of the most open countries in Europe in relation to the role of migration over the past decades – that with its present demographics and global trends, there will be an inevitable and meaningful migration flow into Europe in the coming decades. And it would be better to see this happen in a regular way, a legal way, than to count on smugglers to provide this service to the international community, with all the dramatic violations of human rights and enormous suffering that people endure today.

So it is essential in today's world to make sure that, in the management of borders and migration flows, governments and international institutions are able to work together to find ways that allow us to detect, in the middle of these population movements, the people who are really in need of protection. They must be guaranteed physical access to the territory in order to request asylum, as well as a fair treatment of their claims.

This is becoming a big issue and a big challenge for present day Europe. Ensuring that Europe remains a continent of asylum, that people in need of protection can find shelter in Europe, is a challenge for us all. I believe that civil society and the NGO movement have a very important role to play here. Just today, Amnesty International issued a report on Iraqi refugees and the importance of guaranteeing protection for those inside European space. They appealed to governments not to send Iraqis home against their will, to conditions which at present remain unsuitable.

So a first obligation related to the movement of people is to make sure that the mechanisms that exist in international law, the law through which the international community assures protection, are effectively implemented. The international community must have the capacity to distinguish between people on the move and be aware that, while human rights must be granted to everybody, there is a group of people which is to be accorded specific protection namely under refugee law.

A second issue comes from the new trends in forced displacement. The 1951 Refugee Convention applies to those who flee conflict or a well-founded fear of persecution. The reading of legal texts has moved away from a strict interpretation based on political events so that, for instance, a woman who is a victim of genital mutilation in Mali, even if Mali is a democracy, must be granted refugee status. Or a woman who is a victim of family violence and forced into prostitution in Pakistan and flees into Europe must be granted refugee status. Courts are moving in this direction. The interpretation of who needs protection and what 'persecution' means is being extended to cover non-state agents of persecution and to many areas linked to religion, culture and other aspects of human activity.

But even with this goodwill in interpreting the 1951 Convention, the truth is that we are witnessing more and more people forced to move because of the growing links between a number of different causes, namely extreme deprivation, climate change and the resulting environmental degradation, and conflict.

Climate change is probably the most relevant new factor in this combination. We are all aware of this phenomenon which, in extreme circumstances, can wipe out entire countries. This may be the fate of some islands in the Pacific and the Maldives and, of course, puts a very complex problem to the international community. How to guarantee the rights of islanders made stateless by rising sea levels? Even without such extreme cases, we are witnessing the huge impact of climate change in many parts of the world. Drought is becoming a dramatic problem and traditional livelihoods are disappearing in several parts of the African continent, among others. Natural disasters occur with increasing frequency and intensity, with a greater impact on the life of people and forced displacement. And there is a growing interlinkage between climate change, extreme poverty and conflict.

It is true that globalisation has reduced the number of people living under \$2 per day in the world. This is largely due to what has happened in China and India, where large parts of the population have managed to escape the terrible vicious circle of extreme poverty. But in continents like Africa, extreme poverty is not decreasing. Debilitating poverty is worsening, and the gap between rich and poor increasing, both within countries and between nations. At the present moment, with the slowdown of global economic growth and the structural

changes in the energy and food markets, we are seeing extreme poverty turn into social unrest, and instability that can, in many countries, also trigger conflict.

I believe too that we are witnessing a moment in which the trend at the start of this century, when major conflicts were being solved and we witnessed substantial refugee returns to Afghanistan, Liberia, Sierra Leone and Angola, has been reversed. The number of refugees worldwide is on the rise again amid a worsening or multiplication of conflicts. Conflicts of two natures: one, a group of interconnected struggles. If we consider Pakistan, Afghanistan, Iran, Iraq, Syria, Jordan and Lebanon – which has fortunately avoided a civil war but was on the brink of a civil war just a few weeks ago – and then Palestine, Sudan and Somalia, we see a group of conflicts becoming more and more interconnected. All have global implications for security and all, to a certain extent, affect the relationship between the so-called Western world and the so-called Islamic or Muslim world.

In my opinion, the situation in Afghanistan today is getting worse. The situation in Iraq is improving a little bit, and we all hope that this presents a true window of opportunity. But Palestine is not giving us many reasons for hope and Sudan is worsening. In Somalia too, the security situation and humanitarian conditions are deteriorating, even if there is still hope for the peace negotiations that took place in Djibouti. But this looks very fragile and challenging indeed.

A second group corresponds to a multiplication of smaller conflicts, those sometimes called the conflicts of the poor. Since the first of January until now, we have fielded the same number of emergency staff deployments as we did in all of 2007. If you consider the African continent and the flow of refugees crossing borders, the past few months have seen new arrivals from Darfur to Chad and the Central African Republic; from the Central African Republic to Chad and Cameroon; from Chad to Cameroon; from Eritrea to Ethiopia and Sudan; from Somalia to Kenya, Djibouti and Yemen; from Kenya to Uganda; and now the situation around Zimbabwe. More and more crises are developing and more and more conflicts are being ignited.

There is a growing linkage between climate change, economic deprivation and conflict. It is true that when the Janjaweed attack a village in Darfur, it is a political event. It has to do with the fact that the Janjaweed are linked to the Government of Khartoum and the village belongs to a tribe considered to be supporters of the rebel movements. But it is also true that herders may attack farmers over dwindling water resources, because rainfall has dramatically decreased over the past twenty years in Darfur while its population has grown steadily.

This inter-linkage between the environment, the economy and conflict and security issues is becoming stronger and stronger. And in the resulting movements of people, it is becoming more and more difficult to identify the main reason forcing people to move. In some circumstances, it is a combination of all these factors. The question is then how to deliver protection to those who are forced to move, who are not just moving because they want a better life and yet who cannot, according to the 1951 Convention, be considered refugees. This is a very important discussion to have in today's world.

There is a great deal of debate on climate change but not much said about its impact on human displacement, demonstrating the difficulty the international community has in finding ways to cope with this challenge. Some people will argue that the solution is to change the 1951 Convention and to enlarge the concept of refugee to include refugees from hunger and refugees from natural disasters or the environment. I am not convinced that this is the solution, for one simple reason. I believe that if the 1951 Convention was drafted today, it would not be as strong as the one drafted after the Second World War. Similarly, I believe

that if the Universal Declaration of Human Rights were drafted today, it would probably also be weaker than the Universal Declaration of Human Rights drafted when it was.

The idea that we could enlarge the concept of refugees, diluting the level of protection granted to them is, in my opinion, a real danger. I would prefer therefore not to touch the 1951 Convention. But one needs to determine then how the international community can cope with the problems of protection of people who move for interlinked reasons, factors beyond those that prompt normal migration.

Another possibility is to consider that existing human rights and humanitarian law combined provide for the necessary mechanisms and grant sufficient international protection. This might require, as we have done in relation to internal displacement, a better organisation of the international community, the UN agencies, and of the broader humanitarian community, regional organisations and different forms of bilateral support. There are ways, working with the legal instruments we have now, to deliver protection to the people in need – if we organise ourselves better in delivering that protection. Some also argue, and I would say this is an interesting approach that should be discussed in greater depth, that new legal instruments would be useful in order to grant temporary protection, for example, to people forced to move in some of these dramatic circumstances I have described.

What is most important at the present moment is that this discussion takes place. We at UNHCR are not trying to enlarge our mandate or increase our functions. This is not the case. But we believe that the international community should focus on these issues and find answers to the problems of forced displacement, of people crossing international borders because they have no other choice, of providing adequate protection and assistance, and of finding solutions for them.

These movements of people, particularly those moving for environmental reasons, are increasingly taking place within the borders of states. Many people are not crossing borders, and internal displacement poses challenges that are already very clear to everyone involved in humanitarian action. When I was Prime Minister, there was a clear understanding, a growing international consensus, that we needed to balance the sovereignty of the state with the sovereignty of human beings. That was the moment when the concept of the right of humanitarian intervention was born, and I remember how it was possible for the international community to develop meaningful actions in Bosnia, in Kosovo, in East Timor, to cite an example that is very dear to my heart.

This principle was later enshrined by the General Assembly of the United Nations as the so-called responsibility to protect. It is based on the idea that national sovereignty includes the need and responsibility for a state to protect its own citizens. When the state is not willing or able to do so, the international community is responsible for addressing the problem. But it has been difficult to put this concept, even if approved by the General Assembly of the United Nations, into practice. What we are witnessing now is a re-emergence of national sovereignty, of the sovereignty of the state, as the key element in international relations, particularly when human rights questions are at issue. We see what this means practically in the attempts by the international community to deliver protection in Darfur, or in Myanmar after the recent hurricane. The international community has had to beg to deliver assistance to the people so dramatically affected by these events, and where Governments have not allowed the international community to help, it has been powerless to address the problem in an effective way.

I believe that one of the reasons for the re-emergence of national sovereignty is the war in Iraq. Even in democracies of the developing world, and I can quote many of the discussions I had with Indian, South African or even Brazilian friends on these issues, there is a concern

that this concept – the concept of responsibility to protect, of allowing the international community to protect citizens in situations where a government is unwilling or unable to do so – can hide other agendas and can be an instrument used by some countries to protect their strategic interests or to impose them on other states.

There is therefore an enormous difficulty to make the responsibility to protect operational, make it something that really works. Whenever it is discussed, what immediately comes to mind for most people are the military interventions in some of the circumstances – genocide, ethnic cleansing – that prompted the interventions in Kosovo, Bosnia and East Timor. But responsibility to protect is first of all a responsibility to prevent, which goes well beyond military intervention. Of course, the thought that it can be invoked for other purposes, not only for the protection of human rights or the protection from states of the sovereignty of the human being, will make many people around the world uncomfortable.

There are a few signs of hope. I believe that a new consensus needs to be established around the responsibility to protect, or another concept like the right of humanitarian intervention, which would allow for protection to be delivered to people in need within the borders of their own state when it is absolutely required by human rights or humanitarian concerns. But for that, I repeat, a new consensus is necessary, and I believe the only way that is possible is if the effort is led, to a large extent, by countries of the South, the developing world. That is why I am very encouraged by the fact that the African Union is preparing, and we are very involved and have seconded people to the African Union to help them in this work, an African Convention on Internal Displacement. If such a convention is approved it would be the first legally binding international instrument on internal displacement. It would then provide an opportunity to hold the same debate in other regions of the globe and, eventually, pave the way for practical ways for the international community to deliver on its responsibility to protect. This is absolutely necessary in today's world.

A last note on the sustainability of solutions provided for people forced to move. Last year, UNHCR helped 730,000 people go back home. Many of them returned home to Afghanistan, Southern Sudan and Burundi. They went back voluntarily, choosing to return in safety and dignity with as much support as we could provide. At the same time, we are increasing the number of places for third-country resettlement, usually from the first country of asylum to countries of the developed world, and promoting the possibilities for local integration in the countries of first asylum, primarily in the developing world. Very recently, Tanzania agreed to grant Tanzanian nationality to 170,000 Burundians who fled their country in 1972. This group has difficulty repatriating to Burundi as, under the Burundi Constitution, they no longer have rights to their land and property on their return.

It is remarkable that countries in the south display such generosity, offering real solutions to people in need of protection. For us, it is crucial that the international community as a whole becomes more effective than it is today at providing the conditions that sustain returns. In many countries that means providing conditions such that peace, once reached, is sustainable, and so that democracy, once achieved, is durable. As I said, we are now helping people go back to Burundi and Southern Sudan, as we did in previous years to Liberia and Sierra Leone. But if you visit any of these countries, you see immediately how difficult and fragile living conditions are. Refugee camps around the world represent hardship and problems, but at least we are able to provide people with shelter, education for their children and health care. In many countries where people are going back because they want to, because they want to be part of the reconstruction process, all those services are missing or are very precarious.

Governance in such post-conflict situations, even after first elections have been held, is usually not good. Local governance is extremely limited and the international community is

dysfunctional in delivering support. While the international community is effective in emergency relief and the normal mechanisms of development cooperation, it is not adept at providing the kind of support required for quick wins, so that populations see a peace and democracy dividend and so that living conditions improve even as political changes take place. In many places we work, living conditions, employment, education and health have not improved two or three years after peace and democracy are established. Discussions about poverty reduction strategy papers and other strategic development documents will not necessarily lead to the quick wins that would give people more hope for the future and the motivation to support democracy and peace.

This is an area where much needs to be done in cooperation with international financial organisations. I am very encouraged by the approach of the new Head of the World Bank, and the fact that he has made countries in transition one of the World Bank's six strategic priorities. I'm very encouraged by the improved coordination between the World Bank and the IMF and the UN system, and by the fact that more and more countries consider this a key element, and the UK is one of them, a key element of development cooperation strategies. We need to make sure that we coordinate the delivery of support to countries through these transition periods. The Peacebuilding Commission created within the context of UN reform is, of course, another relevant instrument, but it has been slow to deliver in the two countries, Burundi and Sierra Leone, where it is piloting its activities.

The sustainability of returns, peace and democracy are linked. One of the critical factors for countries in transition or post-conflict situations is to make sure that returns are made sustainable, and that those who were refugees in the past do not become refugees or migrants again in the future.

In all these areas, I believe the international community needs to take a comprehensive view. It is no longer possible to look at refugees according to the 1951 Convention and at internal displacement or migration as separate things. These issues are more and more interconnected and, being more and more interconnected, require comprehensive responses.

Development cooperation policies must be targeted to help prevent displacement and mitigate the effects of climate change in particular on poverty and conflict in the many countries where the phenomenon already has a serious impact. Another example is the need for a linkage between development cooperation policies and international cooperation between countries of origin, transit and destination, on the management of migration flows and borders, to ensure that management is sensitive to protection concerns and that it respects the human rights of all those involved in these population movements.

I think it is important too to recognise, with humility, that we are far from having an adequate, comprehensive response to these challenges. The issues are not sufficiently debated by the international community and, when debated, it tends to be from a very narrow perspective. After the high-level debate on migration promoted by former Secretary-General Kofi Annan an inter-governmental forum was created, gathering a large majority of the countries of the world. But until now, the forum has concentrated on questions related to the economics of migration, remittances and other financial aspects, and has avoided a discussion of the rights of people who move. And yet when we consider population movements, it is more and more difficult to separate the economic from the social and human rights perspectives. People need to live and satisfy their basic needs, but they have rights which must be respected. If we do not examine these issues in a global and comprehensive way, I doubt we will have the capacity to respond to the challenges that, in my opinion, will only grow along with the present century, creating more and more complex problems for the international community.

Thank you very much and I will be entirely at your disposal for the debate.

Questions and Answers

First question from Sir Jeremy Greenstock:

If you'll forgive me, but I'm going to start, High Commissioner, with a question, because you've painted a picture here of immense need and immense complexity, and it's difficult really to know, for the layman who is interested in helping or seeing his Government or his NGO help, where on earth you start with the next steps in all of this. The problems seem to be overwhelming the response. What are you looking for more than anything else, whether from governments or from NGOs, and they each have their own role in all of this, to make the next bit of difference? What are you really calling for to make a difference from the public out there, particularly in the developed world?

AG: I think that there are a few things that we can do now. One is to convince governments that it is perfectly possible to combine a clear commitment to the security of a country and to the people of all countries. No government will ever enjoy the support of its own population if it disregards the security of the country and of the people. The challenge is to combine this and the country's migration policy on the one hand, with a protection sensitive approach to the management of borders and the delivery of protection to people who are supposed to receive it according to international law, on the other. This is a very important debate today in Europe and at the centre of how the European asylum system will develop. There is a risk that a European asylum system will represent the minimum common denominator among countries at a time when the Netherlands is granting protection to more than 80% of Iraqis and Greece is granting it to zero percent of Iraqis. These are two concrete examples.

Now, it is very important to make people in Europe understand that it is perfectly possible to protect Europe against terror and to define whatever migration policies are necessary, but to make them compatible with a protection sensitive management of the borders. The changes effected in Lampedusa and the Canary Islands proved that this is possible. Whoever comes to Lampedusa today, in contrast to what was happening in Lampedusa two or three years ago, is fully informed about their rights and, if they ask for asylum, they are referred to territorial commissions in seven locations in Italy. The territorial commissions do a quick analysis and grant or refuse refugee status. There is an appeal mechanism and those who are granted protection - not only refugee status but other forms of protection - are received in Italy and also in Spain. Individuals are received and processed and those who are found not to be in need of protection may, of course, be sent back to their countries of origin if they do not face any real problems and fully respecting their human rights. This is an example of the border management practices and asylum procedures we can adopt in Europe that combine security, the legitimate definition of a government migration policy and a protection sensitive management of these issues.

The second thing I believe can be done now is to support the organisation of the global humanitarian community, including UN agencies and NGOs, some of which are bigger than many UN agencies today. UN agencies and NGOs are not two completely different entities, where there is a big brother and a small brother. No, some NGOs have bigger budgets and global activities than UNHCR. So to combine

the efforts of UN agencies, NGOs and the Red Cross / Red Crescent movement in a more effective and coordinated action on the ground is essential.

There has been an important reform of the humanitarian sector in the UN. That reform is now led by Sir John Holmes, and I believe we need to pursue that effort and make sure that it works, with the approach that no sector is more relevant than the others. We need to see this as a cooperation among equals, which is the spirit that animates the new Global Humanitarian Platform. The group will meet again in Geneva to make this cooperation more effective on the ground at country level. This is another action that I believe we can take now.

A third action is to link development cooperation policies with humanitarian problems related to the movement of people. I remember in my own country, the development cooperation policy was never linked to these concerns. And a good example of that is how irrelevant, how unimportant aid to agriculture has been in development cooperation in recent years. We now realize how damaging this has been with the dramatic rise of food prices.

If you want to anchor people in their environment and prevent forced displacement, a key element is agricultural and rural development, providing people with livelihoods in rural settings. If not, they will tend to move massively into urban areas and into other countries. The first priority in development cooperation policy should be linked to rural development or community development at the rural level. This was completely forgotten in the recent evolution of development cooperation policies. Links between development cooperation policies with adaptation strategies for climate change are forming now and I saw that articulated in some policy papers here in the UK. Linking these two things to policies that aim to eliminate the root causes of forced displacement is, I think, essential. This does not mean that we want to use development cooperation to prevent people from moving. It means that we need to use development cooperation in order that people move by choice and not out of necessity. And this can be done: these actions will not change the fact that there will be people on the move in the future, but they will at least prevent some situations where people move because they have no other choice.

A key question for me is how we can start rebuilding a consensus on the responsibility to protect. And there I believe that this will not be possible if it appears to be a Western proposal. We need to mobilise more and more human rights minded people in the developing world to assume leadership of this concept. That is why I was so enthusiastic about the possibility – let's hope it becomes a reality – of an African Convention on internal displacement. I think we need to give more support to those who, in the developing world, are recognising the need to put human rights at the very centre of their thinking. These initiatives should slowly make people forget the perception, in the minds of many international actors, of the responsibility to protect as an instrument for international domination.

Q: High Commissioner, you've painted a very stimulating picture of the challenges faced by UNHCR internationally. I would like to bring you back to the UK and wonder what you might be saying to the UK on two of those issues that you've mentioned - one being the difficulty of creating protection-sensitive border controls and the second is, how you protect people who fall outside a strict 1951 Convention definition of refugees. So will you, for example, be saying to the British Government, you've gone too far in your border controls in driving down the number of asylum seekers arriving in the UK? You're keeping people out who should be deserving protection in the UK,

and you're imposing on other countries who are less well able to protect them, that that responsibility that is rightfully the UK's.

And secondly, people who fall outside a strict 1951 Convention definition of refugee status, who are left here in the UK with a stark option of going home voluntarily to places like Zimbabwe, government controlled Iraq, Afghanistan or Sudan, or starving. Will you say to the UK Government that's going too far?

AG: I think you raised two kinds of problems. These issues have been at the very centre of the discussions I had the pleasure to have this afternoon with the Home Secretary. And, indeed, they are important not only in the UK but to the European debate about its asylum system. The first issue is the quality of the protection afforded and the other is access to protection for those outside the territory. And these two elements are absolutely crucial to today's debate. That is why I said earlier that the first thing that needs to be done is to make sure that border management is protection-sensitive. This is possible but it needs to be done at European level as there can be no national solution. The answer needs to be found by the European Union and should be the cornerstone of the European asylum policy.

One of the problems that exist today is that, according to one of the current EU norms, Dublin II, a state is allowed to send people back to the country through which they entered the European Union. And when sending people back to the country of entry in the European Union, given the very different asylum systems from country to country, you might be condemning them in fact to be sent back into situations where they will face persecution again. For instance, at the present moment, with the very low levels of recognition for Iraqis in Greece and as many of the Iraqis entering Europe have entered through Greece, we have asked governments not to send Iraqis back to Greece because to return them there is, positively, to send them back home against their will.

So the guarantee of access to the territory of the European Union and border management mechanisms that are protection sensitive and allow proper and fair analysis of claims are perfectly possible.

A second question is the quality of the protection given. We have, in relation to this in the UK, two concerns. One is the nature of decisions and the fact that, for instance, refugee status in the UK is only granted based on individual situations. This is a problem that exists in several European countries. I'll give you an example: the Swedish Supreme Court recently decided that there is no armed conflict in Iraq; there is only widespread violence. Well, if there is no armed conflict in Iraq, only widespread violence, according to Swedish law people can only be granted protection if they prove they are personally targeted. If they are not, they can be sent back to Iraq.

You can understand that this is not an approach we can accept. It is very important that people are not sent back or deported in circumstances where their life and their security will be at risk. And this is particularly true today in Europe for Iraqis, Afghans, Eritreans and Somalis. Working together we can find solutions, namely, if guidelines issued by my own organisation are respected.

In relation to Zimbabweans, again, many of those who left - mostly to South Africa as you know - are not refugees according to the 1951 Convention. But we have asked the South African Government and others not to send Zimbabweans back to Zimbabwe under the present circumstances. You can all understand why.

Again, there are ways in which we can improve the levels of protection afforded provided that guidelines about return, about countries of origin, etc are fully respected by states. But a unified European policy is needed to prevent a scenario where Eritreans will try to get asylum in England, Iraqis in The Netherlands and Chechens perhaps in France, according to the policies countries have adopted in relation to different parts of the world. Then the key question is about those who clearly fall outside the 1951 Convention. That problem is not solved; it has never been seriously discussed.

In relation to new focus on forced displacement, I think there are two approaches. One is to say there are mechanisms in existing human rights and humanitarian law that provide for protection to be granted to these people in different ways and forms. The other is to say that maybe we need to discuss those situations and to create new legal instruments for that purpose. UNHCR is ready to participate in this debate. For now, we speak about the refugees of hunger, refugees of the environment based on a common sense approach which has, however, no legal value in today's international order. We will have greater difficulty in future in understanding why people are forced to move. The reasons will be more and more interconnected and some kind of instrument will probably be required in the near future, namely, at least for the granting of temporary protection in a certain set of circumstances.

Q: My question to you is two-fold. The first one is if you could tell me briefly the percentage of refugees that are women? Secondly, could you also comment on the food crisis and the pressure it's placing on migration and providing services to refugees and returnees in various countries around the world?

AG: Indeed, a large number of refugees in today's world are women. Women and children represent the large majority of the group of people UNHCR helps protect and assist. Today, we also have specific protection concerns such as violence against women, sexual and gender based violence. We have a very meaningful programme, together with several NGOs, to try to address these issues. We are also working to raise the awareness of governments of the importance of these protection concerns.

Unfortunately, in many societies, even in ours, we tend to neglect those issues. To give you an example, I was surprised when I was Prime Minister of Portugal, at the levels of family violence in the country and how unprepared the police and the judicial institutions were to deal with this problem. We had to carry out a number of reforms to make sure the system could cope with this challenge. Now, if this was true in a European country today among its own population, you can imagine how true this is in relation to people who move from one state to another and in countries that have a much lower level of development. So this is very much at the centre of our priorities today.

As for food prices, especially when the fluctuations are not temporary and there is a real structural change in the global food markets as I believe there is today, they, together with energy prices pose an extremely relevant threat to the stability of institutions, democracy and peace. If you look, for instance, at what has happened recently in Portugal, Spain or France with protesting truck drivers, these countries have been paralysed.

The recent xenophobic reactions in South Africa were in part triggered by the fact that people are angry and when they are angry, there are two easy scapegoats: the

government and foreigners. Food and energy prices contribute to this kind of anger. You see lots of social unrest in many big cities around the world, for example in Cairo, or recently in Haiti. In some circumstances, this social unrest happens in states that are not democracies, but what I'm particularly worried about is the young democracies that will not be able to cope with this kind of social unrest.

I was recently at a gathering with several African Presidents, elected Presidents who are trying to consolidate real democracies. In the case of Liberia for instance, the President was telling me how difficult it is for her to manage the present situation and the expectations of her population.

I sincerely believe that the international community needs to be extremely attentive to this phenomenon, and that it must be at the centre of bilateral and multilateral aid at present, not only to make sure that we can fight hunger, but also so that the situation of urban poor is addressed before hunger triggers social unrest and conflict.

Q: Sir Jeremy touched on this first question with what you think the government, an individual's government or NGOs should do. But governments and NGOs are typically, particularly in the West, constrained by public opinion, which is generally guided by the media. The question relates to what you and UNHCR and the wider NGO community can do to counter irresponsible and scaremongering journalism regarding refugees and asylum seekers?

AG: I think that an important test of modern societies, certainly in Europe, is the struggle against intolerance. I am sometimes afraid that we might be entering a post-enlightenment society. The values of enlightenment, tolerance and reason as a key element in defining social and political behaviour, are in danger. I see a lot of irrational behaviour in political populism, in xenophobic and racist attitudes, religious fundamentalism and in the re-emergence of violent forms of nationalism. And I believe that it is essential that we struggle for the values that are extremely important. The values of tolerance, the need for people to respect each other, to co-exist. Our societies are becoming multi-ethnic, multi-cultural, multi-religious: there is no other option. We cannot choose to live in homogeneous societies, and I say that as a person from a country that has had the same borders since the 13th century. We are all multi-ethnic, multi-cultural, multi-regional societies. It is absolutely essential for people to learn to live with each other.

One of the things that concern me in that area of conflict I was describing earlier, from Pakistan to Somalia, and the difficulty the international community has in finding solutions for problems like the Palestinian issue, is how misperceptions between communities are triggered and how the risks of intolerance in our societies grow. When two people are together there are really six: what each one is, what each one thinks he or she is, and what each one thinks the other is. Now, when two communities are together, there are also six. And the problem is, if one community perceives the other as a threat, then the concept of pre-emptive strike appears. It is important to bring those six into two and that people learn to see each other based on reality and not on prejudice.

Q: Thank you for an interesting speech High Commissioner. I work primarily for nomads in the Sahara desert and I'd like to invite you one day to come and stay in one of our tents for a month. I appreciate everything you say and the good work that the UNHCR does, but I can tell you of some cases in my area where the tribal nomads don't want UNHCR there. They want to be able to survive efficiently and self-sufficiently. Your jeeps tear around the five refugee camps in which I work churning

up the dust over fifteen years, which causes respiratory illnesses in the camps. So I just wanted to say that while your organisation does a lot of good, I would hope that you would look more towards the socio-cultural implications and how you're affecting the local communities.

AG: I take that as a very valuable comment. This corresponds indeed to one of the difficulties we have with, I would say, an emergency-minded organisation in which people tend to give quick answers to problems without understanding their full complexity. And sometimes those answers, even if they solve part of the problem, complicate other parts and what you said is perfectly valid. I thank you very much.

Q: In the development of a modern and relevant understanding of the refugee convention, to what extent do you consider that the fundamental rights established in the Children's Convention lend us a better understanding of child-specific forms of persecution and an understanding of the well-foundedness of the fear of children?

AG: The refugee convention is not the only legal instrument that binds the international community to grant protection to people. Other relevant instruments are the Convention of the Rights of the Child and the International Convention Against Torture. Even if you are recognised as a criminal, you cannot be sent back to a country where you might face torture. Even if you are rejected as an asylum seeker, you cannot be sent back to a country where you face torture. And at the same time, the Convention of the Rights of the Child is a very useful instrument that we use in many countries of the world that are not signatories to the 1951 Convention. Aspects of the Convention of the Rights of the Child, are very useful for protection purposes, namely when we have problems of trafficking of children.

So I can only underline the importance of combining the different legal instruments in order to find comprehensive responses to protection challenges.

Q: I want to prod you, High Commissioner, on your diffidence I think at expanding the '51 Convention, and I want to do so really in regard to the self-imposed question I think you had, of what other alternative institutions there might be. Do we actually need to look for an alternative solution to embrace the wider and the narrower aspects of the '51 Convention than to go to the African Union Charter? It has both, running in parallel and, in fact, a refugee can choose, in theory. That's an alternative institution, I would have thought and one that we needn't look any further (sic).

AG: I referred to the African Union, not in relation to the enlargement of the concept of refugees but in the context of the efforts being made now to create the first legally binding instrument in relation to internal displacement. And there I must say I do not see any chance at present to have a global convention on internal displacement; it will not go through. But I think there is a chance to have an African Convention on internal displacement and we are working very hard on that. We are hopeful that there will be a summit of African leaders and that the Convention can be approved. As a matter of fact, the African Refugee Convention is better than the 1951 Convention and in the context of conflict in Africa, it is better to invoke it than the 1951 Refugee Convention in relation to the obligations of states involved. That is why we are hopeful that, in the African context, a convention on internal displacement might come true. If so, we will have a very important advocacy instrument in the fight for a re-emergent global consensus on how to deliver protection to people, how to uphold the sovereignty of human beings, and to move from this unfortunate situation in which we are now, in which again the sovereignty of the state has become, I would say, the only basic criterion in international relations.