United Nations Security Council Counter-Terrorism Committee
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Open Briefing by Volker Türk, Assistant High Commissioner for Protection

Mr Chairperson,
Excellencies,
Ladies and Gentlemen,

At the outset, let me thank you for the opportunity to address this Committee and to offer UNHCR's perspectives on the intersection of security and international refugee protection.

In many locations around the world, insecurity stemming specifically from violent conflict, extremist groups, and organized crime has become a common feature of daily life. Often these situations have deeper roots, stemming from growing inequality, weak rule of law, and poor governance. Some may even result from the adverse impacts of climate change on the environment, which can increase competition for scarce resources. Nowhere is insecurity more visible than in the lives of the 21.7 million refugees, and more than 36.4 million internally displaced persons in the world today.[1] The vast majority of refugees flee to countries in their immediate region, particularly in sub-Saharan Africa, the Middle East, parts of Asia, Latin America, and Turkey. Smaller numbers are also moving onward, notably across the Mediterranean Sea to Europe and elsewhere. While we have seen – and continue to see – many heartening expressions of compassion and solidarity in response to refugees, we also see divisive politics and xenophobia gaining traction, amplified by uninformed discourse in the media and other public fora. This also plays out in current debates around threats related to terrorism and refugee flows.

Against this backdrop, I would like to set out a number of key considerations, from UNHCR's perspective, that would effectively address security concerns within the refugee context.

First, ensuring security and protecting refugees need to be understood as complementary goals.

In our experience, both security and protection are best served through an integrated approach founded on this principle. Measures to ensure access to safety and protection for those in need, including those fleeing terror, can also help safeguard the security of transit and host countries and communities. In practice, however, security concerns often seem to overshadow equally pressing humanitarian and protection considerations. We see this in restrictive border policies in a number of countries in different regions. Access to territory has become seriously constrained with the institution of various physical barriers to entry, visa requirements, and interdiction practices. Such measures are often justified in the name of security or are rooted in domestic agendas unrelated to the actual presence of refugees.

However, as an organization that works with Governments on all continents, UNHCR has often seen how premising security over protection rarely has the desired results. Measures such as push-backs of refugees and asylum-seekers at borders, detention, and restricting access, combined with few safe and regular avenues to safety, cannot be the answer. The impact of such measures is simply the diversion of

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[1] As of mid-2016, there were more than 16.5 million refugees of concern to UNHCR, and more than 36.4 million internally displaced persons. See *UNHCR Mid-Year Trends, 2016*, available at: http://www.unhcr.org/statistics/unhcrstats/58aa8f247/mid-year-trends-june-2016.html. In addition, as of the end of 2015, there were 5.2 million Palestinian refugees registered by UNRWA.

refugee movements along other routes and the aggravation of already precarious situations in regions embroiled in conflict. Worse still, without safe and regular pathways to safety, people who have nothing left to lose may risk dangerous journeys with smugglers. This creates an environment in which smuggling and trafficking can thrive, and a situation which terrorist groups can exploit. Also, branding refugees as security threats risks opening the door to xenophobic and racist rhetoric and can even lead to physical attacks directed against refugees.

In other words, separating security from protection considerations ends up doing a disservice to both.

Second, international refugee law provides a solid legal framework that addresses both security and protection concerns.

International refugee law does not pose an obstacle when it comes to addressing security concerns. On the contrary, security considerations have been at the forefront of the international refugee protection regime from the outset.

International refugee law aims precisely to ensure the security of those who flee from situations of conflict, violence, and persecution, including from armed opposition groups and terrorists. It provides a mechanism for protecting them against return to a risk of serious harm, notably through the application of the *non-refoulement* principle. It sets out clear parameters for actions to strengthen humanitarian and protection responses for people fleeing insecurity. Adherence to its precepts reinforces the rule of law and thus ensures that individuals can be protected even when their countries of origin are unable or unwilling to do so. This begins with the refugee definition in the 1951 Convention, which establishes clear criteria for determining who is a refugee and entitled to international protection.

At the same time, the drafters of the 1951 Convention relating to the Status of Refugees were very much aware of the national security dimension. They were concerned in particular with ensuring that the refugee protection regime would not provide a cover for persons involved in serious criminality or otherwise posing a threat to the security of host countries. Accordingly, specific provisions were included in the 1951 Convention to ensure that such persons could not benefit from refugee status. They provide a system of checks and balances, taking full account of the security interests of States and host communities, while at the same time protecting the rights of refugees. Article 1F of the Convention provides for the exclusion of persons who are responsible for certain serious crimes or heinous acts, and who are, therefore, not deserving of international protection as refugees.

International refugee law also makes it clear that refugees and asylum-seekers are bound to abide by the laws of their host country. They are not immune from prosecution for any crimes committed on its territory. Their status does not preclude appropriate measures where an individual is found to pose a security risk. This includes express provisions in the 1951 Convention, which permit the expulsion of a refugee on grounds of national security or public order under specifically circumscribed circumstances.

Following from this, and in light of welcome recommendations by this Committee and the Counter-Terrorism Executive Directorate, it is important to consider positively accession to the international refugee instruments. It is equally critical to establish asylum systems that allow for the fair and efficient determination of claims for international protection. Such systems provide for the rigorous and careful application of the exclusion clauses. When States assume responsibility for refugee status determination, they can conduct checks and inquiries to make sure that individuals whose involvement in terrorist acts brings them within the scope of Article 1F are either excluded during the initial determination of refugee status, or have their refugee status revoked at a later stage.

Good practice also involves cooperation between the asylum authorities and the security and intelligence services. Both have a role to play in identifying persons who may fall within the scope of an exclusion clause or who otherwise require appropriate measures to ensure the security of the host country and its community. It is essential that border guards, law enforcement, security, and intelligence authorities are properly trained on data protection principles and standards. Cooperation between different services needs to be based on a clear understanding of the special situation of refugees and asylum-seekers.

With the appropriate safeguards in place, security screening, including by conducting checks against INTERPOL's databases, is also an important element of security monitoring to be carried out both at the border and in other contexts, such as in the resettlement process. It is also important to ensure that databases containing information which may help detect dangerous individuals seeking to enter the country speak to each other. In country situations where UNHCR has a stronger operational role, progress has been made to enhance collaboration with host countries on security-related issues. UNHCR and States can work together to ensure not only that dangerous individuals do not abuse the asylum system, but also that persons in need of and deserving of international protection are not deprived of it because they are falsely accused of terrorism.

Third, a cooperative framework requires proper systems for the reception of arrivals and their referral to appropriate processes. This includes instituting proper safeguards to prevent the possible infiltration by criminals or those belonging to terrorist or extremist organisations.

UNHCR continues to work with States to develop and implement protection-sensitive border management systems to achieve this. Ten years ago we developed a *10 Point Plan on Refugee Protection and Mixed Migration*, which provides practical suggestions, including on the management of entry systems. In December 2016, we issued an updated compilation with over 120 new practical tools and examples of measures aimed at ensuring that refugees and asylum-seekers [and others with specific needs] traveling irregularly are identified, protected against *refoulement,* and given access to asylum procedures.

Good practices in this regard include: (1) proper registration, including biometrics, by border authorities who are trained on relevant aspects of security, refugee and human rights protection; (2) referral of those who claim international protection to asylum procedures; and (3) identification of individuals subjected to human trafficking or at risk of being trafficked [or re-trafficked], to ensure that they have access to safety, protection, and support.

When asylum-seekers and refugees are promptly registered and have their status determined in a fair and efficient manner, States can be more confident of who is on their territory. Registration and status determination enable States to identify early on people who are in need of protection, who are not in need of protection, or who may constitute a security risk. As part of this system, we have made the case for promoting the principle of non-detention of asylum-seekers except under exceptional circumstances, and to explore actively alternatives to detention.

By way of example, in December 2016, UNHCR presented a paper to the European Union, entitled *Better protecting refugees in the EU and globally*,[2] which included a set of proposals on a common registration system to ensure orderly processing of arrivals, access to protection, security screening, and family reunion. This system would build on EURODAC and other relevant EU databases to improve data management. It would include registration, security screening, identification of specific needs, referrals to reception centres, counselling and information, referrals to the appropriate procedures, and swift decision-making. While this paper was written specifically for the EU context, its underlying considerations could apply in many different settings where large-scale movements of refugees and migrants affect multiple countries or whole regions.

Fourth, measures to ensure the security of host countries and to protect refugees need to be included not only at the point of entry, but also after arrival.

The ability of refugees to achieve self-reliance in their host country pending other more durable solutions is key from a protection, solutions, and security perspective. It is in the interest of refugees and host communities alike to ensure that refugees can support themselves and their families and contribute to their communities. A growing number of studies indicate that host societies can benefit from the presence and contributions of refugees – economically, socially, and culturally. Access to livelihoods,

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[2] UNHCR, *Better Protecting Refugees in the EU and Globally: Proposals to rebuild trust through better management, partnership and solidarity*, available at: http://www.refworld.org/docid/58385d4e4.html.

education, and social services within a host community can prevent exclusion and marginalization that can lead to disempowerment, disenfranchisement, and in some extreme cases, radicalization.

In the industrialized world, a recent report by the Organization for Economic Cooperation and Development [OECD], for example, presents the main lessons from the experience of OECD countries in fostering the integration of refugees. It stresses the importance of providing access to language courses, employment programmes, and integration services as soon as possible, including for asylum-seekers with high prospects to remain. The World Bank, IMF, and OECD all agree that integration is essential for social cohesion, and investments in economic and social integration need to be made early in the process. In its recent paper for the EU, UNHCR proposes a system for integration that builds upon three key elements, namely: (i) increased funding for integration programmes; (ii) predictable, harmonized integration services; and (iii) fostering welcoming communities.

Providing refugees and their host communities with opportunities that enable them to interact with and understand each other is key to facilitating acceptance and promoting self-reliance. With the right support and systems in place, refugees can play a valuable role in the social, economic, and cultural life of their host country. Initiatives to ensure access to primary, secondary, and tertiary education, as well as youth engagement are critical to ensuring that youth have a sense of possibility for their futures and do not resort to negative coping mechanisms or fall prey to extremist groups. Economic opportunities both for host and refugee communities are also essential to decrease competition for resources and foster social cohesion.

In UNHCR's experience, fostering positive attitudes towards refugees and relationships with host communities is also essential to countering xenophobic narratives, hate speech, fear-mongering, and inflammatory statements – both at the political and civil society levels. If not addressed, a hostile environment can even lead to violent attacks against refugees. States have an important role in countering this mindset and all forms of extremism it may engender, including through community policing and other forms of engagement with refugees. Knowing them and understanding how refugees and host communities interact is essential for law enforcement authorities to prevent social exclusion and to detect and address potential problems at an early stage.

Fifth, a solutions-oriented approach to the current magnitude, scope, and complexity of forced displacement in the world, including its security and law enforcement dimensions, lies in predictable and equitable responsibility-sharing arrangements.

Managing cross-border movements on the scale we are seeing today cannot be left to a few countries alone. Otherwise, one country's problems are simply shifted onto other countries. The solidarity required to be effective is a global one. Responsibility-sharing is in the interest of all. The collective efforts of many States and civil society are essential. At the end of the day, it requires a whole-of-society approach.

And indeed, recognizing the imperative of developing a new joined-up approach, in September 2016, UN Member States unanimously adopted the New York Declaration on Refugees and Migrants. The Declaration calls on UNHCR to propose a Global Compact on Refugees, and for the development of a Global Compact on Safe, Orderly and Regular Migration. The aim of the Global Compact on Refugees will be to ensure equitable and predictable responsibility sharing arrangements to address large-scale movements of refugees. It will also address protracted refugee situations – especially those that are forgotten and chronically underfunded. It is premised on the understanding that large movements of refugees can only be adequately addressed through international cooperation. Such cooperation is also key to ensuring global stability and security, building public confidence in institutions, and strengthening protection for refugees. The New York Declaration makes express reference to the security dimension, with specific undertakings regarding border control and measures to counter terrorism and transnational crime whilst doing so in a manner consistent with international human rights and refugee law.[3]

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[3] New York Declaration for Refugees and Migrants, UN Doc. A/71/L.1, para. 24.

It is envisioned that as part of the Global Compact on Refugees, States would share responsibility for refugees in a number of areas. They would each have a role to play in conflict prevention and resolution, addressing the humanitarian and development nexus, providing emergency relief, enhancing resettlement and complementary pathways for admission, supporting host communities, and working on solutions. In this connection, let me highlight in particular the dearth of regular avenues to safety, which forces many refugees to travel along dangerous routes, often relying on smugglers and traffickers. This not only exposes refugees to horrific violence and abuse, as has been reported especially in Libya, the Sahel, or in Central America, but also allows criminal networks to flourish.

Providing alternative pathways for admission is an urgent priority. UNHCR is working with States in all regions on initiatives to facilitate the safe and dignified admission of refugees. This may include *humanitarian pathways*, such as resettlement/humanitarian admission, private sponsorships, humanitarian visas, and medical evacuation. It may also include *additional pathways for admission*, by creating or expanding opportunities and making it easier for refugees to access safety and protection through family reunion, academic scholarships, apprenticeships, and labour mobility schemes. Both from a protection perspective and from the point of view of addressing potential security concerns, the benefits of such alternative pathways are evident. Easing family reunification in particular would help address one of the main drivers behind onward movement.

In conclusion, while UNHCR is not a security but rather a humanitarian and protection agency mandated to work with States to ensure protection and solutions for refugees, our work with displaced people around the world for more than six decades has made us acutely aware of broader security considerations, including those arising from terrorism. Let us recall that refugees are often the first [and sometimes multiple] victims of terrorism. People involved in terrorist activities have on occasion sought deliberately to undermine support for refugees, including by punishing those who flee from areas controlled by terrorist groups.

Our collective experience gained over many years has taught us that security and protection need to go hand in hand – one is not possible without the other. The international legal regime underpinning refugee protection reflects this reality. International refugee law provides for safeguards and mechanisms to protect those in need of international protection from persecution, conflict, and violence – including terrorism – while bearing in mind the security interests of host countries and their communities. Within an often heated public debate, it is crucial, more generally, to keep things in perspective: while no system is entirely risk free, it is clear that proper asylum procedures are among the most carefully scrutinized channels for gaining admission and stay in a country. This applies equally to resettlement, where security checks and rigorous screening mechanisms are in place even before a refugee is permitted to enter the country.

Finally, let me thank the Counter-Terrorism Committee and its Executive Directorate for their commitment to the fundamentals of the rule of law. We value your human dignity approach to law enforcement and your understanding of the complexities of refugee and migratory movements. Managing the security aspects of people on the move is unthinkable without the protection of people dimension. We see this recognized also in the multi-faceted approach reflected in the four pillars of the UN Global Counter-Terrorism Strategy, as well as in the numerous resolutions of the Security Council and the General Assembly, which have made it clear that measures to counter and prevent terrorism, radicalization, and violent extremism must be consistent with international legal obligations.

In my own experience, both refugee protection and national security have the potential to interact well if each role is properly understood. Let us therefore find the opportunities and strive for an integrated response which addresses both of these aspects in the current displacement and migration situations around the world – in a spirit of awareness, mutual understanding, and cooperation.