

Foreword by the High Commissioner for Refugees

I am pleased to join the President of the International Committee of the Red Cross in introducing this special edition of the *Review* focusing on the 50th anniversaries of the 1951 Convention relating to the Status of Refugees and of the Office of the High Commissioner for Refugees. This tribute has special significance for us at UNHCR, as we see the ICRC and the International Movement of the Red Cross and Red Crescent as among our closest partners on the humanitarian frontlines.

ICRC and UNHCR have both been entrusted unique responsibilities. Each is the guardian of international instruments that are inspired by some of humankind's noblest ideals and are necessitated by its worst tendencies. The 1951 Refugee Convention and the four 1949 Geneva Conventions for the Protection of War Victims, along with their respective protocols, have the same basic purpose — protecting the safety and dignity of individual human beings. Seen from today's perspective, the consensus among States that produced these remarkable treaties was something of a miracle.

Despite their common objectives, international humanitarian law and refugee law are distinct and have different historical roots. The Red Cross and Red Crescent Movement and the first elements of humanitarian law emerged in the mid-19th century with the purpose of preventing and alleviating the suffering caused by war. While asylum is an ancient custom in many cultures, modern refugee law began under the League of Nations and was consolidated when UNHCR and the 1951 Convention were created to resolve refugee problems in Europe in the wake of the Second World War. Refugee law is part of the human rights tradition and, thus, is very much a product of the 20th century.

Like the 1949 Geneva Conventions, the 1951 Convention has proven its value and resilience over the past half century. The protections established by the Convention and extended by its 1967 Protocol have saved the lives and preserved the futures of millions of refugees on every continent. These instruments give coherence to the international refugee protection framework because they are clear on

basic principles, focused on rights and grounded in universal values. Important regional instruments, such as the 1969 OAU Refugee Convention, have enriched the body of refugee law enormously, but the Convention and Protocol remain the hub on which the international protection regime turns.

Fifty years on, the international community's commitment to refugee protection is facing unprecedented pressures. Globalization has brought increased human mobility, and people searching for protection often travel alongside those seeking better economic prospects. Concerned by the expense and difficulty of sorting out who needs protection, governments have sought to narrowly construe their refugee protection obligations and have created a formidable array of obstacles to ensure that migrants, including asylum-seekers, never reach their territory. As a consequence, many asylum-seekers are compelled to use criminal trafficking and smuggling networks — becoming victims yet again.

The challenges to protection are no less daunting in countries of first asylum that host the great majority of the world's refugees — often in the least developed regions of the world. Massive and protracted displacement caused by seemingly insoluble conflicts places tremendous strains on social stability, security and the environment. Refugees continue to flee persecution in countries at peace, but armed conflict is undeniably the greatest cause of refugee flows today. The nature of conflict has also changed, with the proliferation of internal ethnically or religiously based struggles in which displacement has become an objective, rather than merely a consequence of war. The patterns of displacement have also become increasingly complex. Refugees, internally displaced persons and returnees often live intermingled with the war-affected local people. Frequently, all have similar needs for protection and assistance, and the needs of one group typically cannot be addressed in isolation from the others.

The result is that the traditional paradigm — with ICRC working in the conflict zone and UNHCR across the border tending to the refugees — no longer describes reality. ICRC and UNHCR colleagues increasingly work directly alongside each other in humanitarian operations around the world. We also share a broad range of

common concerns, such as the denial of access to humanitarian aid, “ethnic cleansing” and other forcible displacement of civilian populations, the abduction and recruitment of children into armed forces, the separation of children from their families and family reunification, the use of rape and other sexual and gender-based violence as a weapon of war and the militarization of refugee camps and settlements.

This new environment imposes upon ICRC and UNHCR a profound obligation to maximize the impact of our limited resources through cooperation and complementary action. Our two organizations are constantly rising to this challenge in the field, effecting a division of labour based at times upon the clear distinctions in our international mandates or, where our responsibilities are concurrent, upon our respective organizational capacities and comparative advantages. I very much appreciate ICRC’s presence in the Global Consultations that UNHCR has launched to revitalize the international refugee protection regime. ICRC’s active participation has allowed us to focus upon our respective roles and responsibilities, as well as those of host States, in such crucial areas as the maintaining of the civilian character of asylum and the separation of armed elements from refugees.

Working together in inhospitable and dangerous places, ICRC and UNHCR colleagues also encounter an increasing risk to their lives. Over the past few years, we have seen dear friends and colleagues brutally murdered in remote locations such as Mugina, Novye Atagi, Atambua, Macenta, Kimpese and Bunia. It is too easy to say that these committed humanitarians gave their lives to lessen the suffering of others. The lives of our colleagues were not given willingly, rather they were cruelly and unfairly taken, leaving their families and loved ones devastated and wounded in ways that never heal. I would like to dedicate this volume to their memory and, in doing so, call for a redoubling of our collective efforts to enhance security and respect for the lives of all humanitarian workers. We cannot protect refugees and the victims of war if we lose our own lives in the effort.

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