

8th ICAO MRTD Symposium

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Cooperation between UNHCR and ICAO for Machine Readable Travel Documents for
Refugees and Stateless persons.

UNHCR's view of the global context and challenges ahead

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Excellencies, Representatives of Governments and Private Companies,
Dear Colleagues, Ladies and Gentlemen

I am pleased and honored to represent the United Nations High Commissioner for
Refugees at the 8th ICAO Symposium on MRTDs.

Thank you, Mr. Denis Chagnon for your kind words of welcome.

Thanks also to the small ICAO team in the MRTD Programme, in particular Mr.
Mauricio Siciliano, who has been instrumental and a great supporter for introducing the
human dimension in this year's agenda of the Symposium. We highly appreciate this!

Last but not least, I would like to thank the Secretary General of ICAO, Mr. Raymond
Benjamin, for his support and the warm welcome he gave me when I came to see him as
the highest UN Official in Canada upon taking up my function as UNHCR
Representative in Canada about a year ago.

The topic of this Symposium is dear to UNHCR as it touches upon one of the fundamental rights of refugees and stateless persons, the right to obtain and use travel documents and exercise their right to freedom of movement.

But firstly, allow me to spend few minutes to introduce UNHCR and give you some basic information on its work at a global level.

UNHCR was created more than sixty-one years ago, in December 1950, by the General Assembly of the UN, to lead and coordinate international action to protect refugees and resolve refugee problems worldwide. The 1951 Refugee Convention and its 1967 Protocol relating to the Status of Refugees are the international treaties that provide the foundation of our work to help and protect the world's refugees. Signatory states, 149 at present, undertake to cooperate with UNHCR in the exercise of its functions. While our primary purpose is to safeguard the rights and well-being of refugees and asylum seekers, UNHCR's work has gradually expanded to include other vulnerable groups such as the internally displaced persons (people displaced within their own countries), victims of conflicts and, more recently and on special occasions, even victims of natural disasters. UNHCR has also a global and unique mandate from the General Assembly to reduce and prevent statelessness and to protect stateless persons.

UNHCR has grown together with the growing challenges of global displacement: it is now present in 125 countries, employs almost 6,700 staff (87% of them in field locations) and reached for the first time in 2011 an expenditure of 2.18 billion USD. The last 18 months have been an eventful period for UNHCR: 6 colleagues killed in the line of duty; new crisis and conflicts in Ivory Cost, Libya, South Sudan, Syria, Mali overlapping with old crisis that never die, such as Afghanistan, DRC, Somalia. An average of more than 2,000 refugees per day crossed an international border last year, higher than at any time in the last decade.

The reality is that the numbers of displaced people do not stop growing. For the fifth consecutive year their number worldwide exceeded 42 millions. In 2005, that number

was 19.2 millions. Of these 42.5 millions, 15.2 millions are refugees, 895,000 asylum seekers and 26.4 millions internally displaced persons. Statistics on statelessness are more difficult to compute: there is estimation that statelessness affect up to 12 millions people worldwide, while data captured by governments and communicated to UNHCR were limited to 3.5 millions individuals living in 64 countries.

UNHCR has a strictly humanitarian and non-political mandate, being fulfilled through close collaboration with Governments and some 762 non-governmental organizations representing the civil society, as well as international organizations and UN sister agencies, such as, among many others, the ICAO.

Ladies and Gentlemen,

Coming to the main subject of today's event, UNHCR is certainly an unusual guest at this Symposium. So, why do I stand today in front of you?

It is because we are concerned here with travel documents! And of course not any travel documents, but travel documents for refugees and stateless persons.

I believe no one will contest the importance of travel documents in a world where global mobility has become a characteristic of our time and where government public policies are so prominently influenced by security concerns.

And while you may primarily focus on security standards and features, technical specifications and developments, it is to the credit of ICAO that this year, we will also look at travel documents from a different point of view.

In fact, session 2 of tomorrow's programme is devoted to the human dimension: travel documents and identity management in relief operations, international development and humanitarian assistance. A number of speakers will address the topic from different

angles. UNHCR and our concern for travel documents for refugees and stateless persons is only one item.

ICRC, the International Committee of the Red Cross, will present the crucial issue of emergency travel documents and applicable standards. UNHCR has a particular interest in this topic because refugees are among the main beneficiaries of this long-standing humanitarian service provided by the ICRC.

The issue of emergency travel documents reflects probably at best one particularly important aspect of the human dimension to travel documents, that there are sometime humanitarian imperatives, including situations of life and death, that need not only to be “taken into account” but that need to prevail.

To be clear, this is not a migration debate. This can be the subject of another Symposium.

This is about forced displacement; where individuals have or see no other choice than to cross an international border in order to reach safety. Safety from war, from persecution but we may also think of safety from natural disasters and the effects of climate change. Situations of humanitarian crises are characterized by chaos. Essential services (security, shelter, health, education, traffic, food, etc.) are unavailable, destroyed or not functioning properly.

Meeting high technological standards, for instance issuing MRTDs, is already a challenge in a number of developing countries; it becomes even more challenging in chaotic situations of humanitarian crises.

Before I turn to UNHCR’s role and rationale for being and speaking at this conference, let me take up the notion of the human dimension of travel documents:

Is there and if so, what is the human dimension to travel documents? Certainly there is.

Travel documents are for human beings.

More important for their human dimension is probably their purpose. There is a lot of security talk around travel documents and you may think of identity verification by border guards as an important purpose of travel documents, in particular when thinking of the security standards they should meet. The same title of the Symposium: *Biometrics and Security Standards* reminds us of the primary focus of our gathering.

But when thinking about the human dimension of travel documents, the starting point should be that they enable the holder to enjoy a fundamental freedom that is enshrined in the Universal Declaration of Human Rights and numerous human rights treaties: “Everyone has the right to leave any country, including his own, and to return to his country” (Article 13 (2) UDHR).

There is no right to enter any country – that may depend on visa policies and requirements; but already in order to leave any country and to return to one’s own country, we need a travel document. Travel documents are an essential means for the exercise of a fundamental human right.

I’m not suggesting that ICAO is therefore a human rights agency, but the language in Article 37 of the 1944 Chicago Convention and certainly its Annex 9 on Facilitation could also be understood as facilitating not only air navigation but indeed the exercise of the human right of freedom of movement.

It’s good to be aware of this human dimension of travel documents as the practical significance of the enjoyment of the right to cross international borders can assume different forms: travel documents can be used for family visits and reunifications, for education, training or studies, employment, medical care, business, leisure, permanent resettlement for refugees. This opens up the understanding of the issue we in UNHCR want to address in particular at this Symposium: Travel documents for Refugees and Travel documents for stateless persons.

Refugees and Stateless persons often don't have passports.

Stateless persons have lost or never had a nationality. They have no country to turn to for requesting a passport. Should they therefore be deprived of the possibility to travel?

No, the above-mentioned human right says: everyone, not only citizens. The 1954 Convention relating to the Status of Stateless persons explicitly requires Contracting States to issue travel documents.

For refugees, it's different. They have fled their country of nationality because of a well-founded fear of persecution. This is what the definition in Article 1 of the 1951 Refugee Convention says. They may still have their nationality. They may also have lost it but this is not a criterion for refugee status.

Fleeing one's country may well be a well-planned decision but even if it is so, because of the fear of persecution, a refugee may have lost every trust in his government and therefore didn't dare requesting a passport. More often, refugees never had a passport or paid large sums of money to a smuggler for a false passport. The point is, they had to get out of their country of origin no matter how. By the way, a special provision in the Geneva Convention provides that refugees should not be penalized for entering a country of asylum illegally. The humanitarian need should prevail over immigration regulations.

However, once they are in the country of asylum and once established that they indeed are refugees, they cannot turn to their embassies in order to request a national passport. The country of origin would immediately know where they are and the refugees and family or other persons still in the country of origin may be in serious danger.

Therefore, the Geneva Refugee Convention also provides that refugees be granted a travel document.

From an historical point of view, it is also important to note that the provision of a travel document was one of the first legal arrangements adopted by the first High Commissioner for Refugees under the League of Nations, Dr. Fridtjof Nansen, in July

1922 to provide identification for onward travel to Russian refugees. The so-called “Nansen Passport” was a single sheet of paper and was not, like later refugee travel documents, in booklet form resembling a national passport. The document was ultimately ratified by fifty-two States and represented the first concrete legal measure for the protection of refugees in modern times.

My colleague, Denise Otis, will talk more about this during Session 2 tomorrow.

Instead, ladies and gentlemen, I would like to say a few words on the cooperation between ICAO and UNHCR.

A few years ago, when we found out that there is a need to up-date travel documents for refugees, also called Convention Travel Documents (CTDs), we contacted ICAO. From the very beginning, from the ICAO’s side Mauricio Siciliano and Erik Slavenas, and the MRTD team were open and supportive to the issue of CTDs and UNHCR’s concerns. This Symposium is in a way a culmination of this cooperation.

However, the forum where cooperation actually took and still takes place is ICAO’s Implementation and Capacity Building Working Group (ICBWG) of the Technical Advisory Group (TAG)/MRTD. Under the leadership of David Philp, he himself a key supporter of the ICAO-UNHCR cooperation, UNHCR today fully participates in the ICBWG where a CTD Subgroup worked on a specific MRCTD Guide. I am extremely pleased to launch this ICAO-UNHCR co-production at this Symposium.

Until the last minute, colleagues in UNHCR Geneva and members of the ICBWG, lawyers and technical experts, have worked on this important publication, which should serve States and companies not only in designing MRCTDs that meet all relevant international standards but also to set up effective processes for the book production, entitlement, personalization and issuance procedures. This Guide reflects what has been called in the past “Chicago meets Geneva”.

Last year, the TAG endorsed the cooperation between the UNHCR and the ICBWG. Earlier this year, UNHCR invited the Chair of the ICBWG, David Philp to the June meeting of the Standing Committee of UNHCR's Executive Committee in Geneva. In a very impressive and convincing presentation in front of Government delegations, he made the case that CTDs need to be machine readable.

Today's launch of the first joint ICAO-UNHCR product, the MRCTD Guide, is of course not the end of a fruitful cooperation. It is hopefully the beginning of a new course where many more States will move towards the issuance of MRCTDs. It's still a long way to go and the compliance date of November 2015, after which only MRCTDs will be considered valid travel documents for refugee and stateless persons, is getting closer and closer. Whether as Government or representative of private companies, you all may contribute to the implementation of the MRCTD Guide. The world's refugees and stateless persons need it.

Thank you.