

## NOTE ON THE MANDATE OF THE HIGH COMMISSIONER FOR REFUGEES

December 2025

This note sets out key aspects of the mandate of the United Nations High Commissioner for Refugees (hereafter the High Commissioner) and the Office of the High Commissioner (hereafter the Office), including the legal basis and sources of the mandates, its nature and character, as well as the mandate's personal and material scope. This includes refugees, asylum-seekers, returnees, and stateless and internally displaced people.

### A. Background

#### Basis of the mandate

The High Commissioner and the Office were created in the wake of the Second World War as *the* global institution to deal with refugee and statelessness issues. The mandate of the High Commissioner was established by the UN General Assembly (hereafter UNGA) in 1950, born from the experience of different international refugee institutions that had existed in the inter-war period.

It was the intention of the UNGA to ensure that the High Commissioner, supported by the Office, “*would enjoy a special status within the UN ... possess[ing] the degree of independence and the prestige which would seem to be required for the effective performance of his functions.*”<sup>1</sup> The High Commissioner is elected directly by the UNGA, acting under its authority and reporting to it annually.<sup>2</sup> The roles and responsibilities outlined in the Statute of the Office are vested in the High Commissioner from which his or her particular authority is derived.

In legal terms, the High Commissioner and the Office form a multilateral, intergovernmental institution, established by the UNGA as its subsidiary organ<sup>3</sup> through resolution 319 A (IV) of 3 December 1949,<sup>4</sup> and provided with its Statute in resolution 428 (V) of 14 December 1950 (Annex).<sup>5</sup> The Statute stipulates that the High Commissioner “*acting under the authority of the General Assembly, shall assume the function of providing international protection ... and of seeking permanent solutions for the problem of refugees,*” and must follow policy directives given by the UNGA and the Economic and Social Council (ECOSOC).<sup>6</sup> Since 1950, the UNGA and, to some extent, the ECOSOC, have developed the mandate further. From time to time, the mandate of the High Commissioner and the Office has also been extended via “good offices” arrangements (discussed in section F below). Other activities may include action and participation “*at the invitation of the Secretary-General, in those humanitarian endeavours of the United Nations for which the Office has particular expertise and experience.*”<sup>7</sup>

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<sup>1</sup> United Nations General Assembly (UNGA), *Refugees and Stateless Persons: Report of the Secretary-General*, A/C.3/527, 26 October 1949, para. 11, [www.refworld.org/legal/leghist/unga/1949/en/91451](http://www.refworld.org/legal/leghist/unga/1949/en/91451).

<sup>2</sup> UNGA, *Statute of the Office of the United Nations High Commissioner for Refugees* (the Statute), A/RES/428(V), 14 December 1950, para. 11, [www.refworld.org/legal/constinstr/unga/1950/en/72586](http://www.refworld.org/legal/constinstr/unga/1950/en/72586).

<sup>3</sup> United Nations (UN), Charter of the United Nations (UN Charter), 1 UNTS XVI, 24 October 1945, Article 22, [www.refworld.org/legal/constinstr/un/1945/en/27654](http://www.refworld.org/legal/constinstr/un/1945/en/27654).

<sup>4</sup> UNGA Res. 319 (IV), 3 December 1949, para. 1.

<sup>5</sup> The competence of the UN to deal with refugees and stateless persons is implicitly contained in Articles 1, 13, 55 and 60 of the UN Charter. These provisions, in conjunction with Articles 7(2) and 22 of the UN Charter, form the constitutional basis of the Statute.

<sup>6</sup> The Statute, paras 1 and 3.

<sup>7</sup> UNGA Res. 2956 (XXVII), 12 December 1972, para. 2; see also para. 9 of the Statute.

Additionally, the High Commissioner's mandate is embedded in public international law, and in particular international treaty law. The 1951 Convention relating to the Status of Refugees<sup>8</sup> (hereafter the 1951 Convention) reaffirms UNHCR's duty, established in its Statute,<sup>9</sup> to supervise international conventions providing for the protection of refugees (discussed in section B below) and recognizes the need for cooperation between States and the High Commissioner.<sup>10</sup> Some of the functions and responsibilities are also embedded in international law concepts more broadly, such as diplomatic and consular protection<sup>11</sup> for refugees and stateless persons or international human rights protection concepts, such as the principle of non-refoulement.<sup>12</sup> The High Commissioner is legally entitled to and responsible for interceding directly on behalf of refugees and stateless persons who would otherwise not be represented legally on the international plane. The effective exercise of the mandate both presupposes and is underpinned by the commitment from States to cooperate with the High Commissioner and the Office.<sup>13</sup> The High Commissioner is also empowered to "*invite the co-operation of the various specialized agencies*"<sup>14</sup> to assist the Office in the performance of the mandate.

The Statute of the Office of the United Nations High Commissioner for Refugees and the subsequent resolutions of the UNGA and ECOSOC as well as public international law have provided the High Commissioner and the Office with a core mandate for refugees and stateless persons. The refugee mandate also extends to asylum-seekers and former refugees who return to their country of origin (returnees). In addition, under certain circumstances, the UNGA has mandated the Office of the High Commissioner to engage operationally in protecting and assisting internally displaced people (IDPs).

This legal foundation has given the High Commissioner and the Office a unique identity, specific legal authority and independence. In 2003, the UNGA decided to remove the time limit on the continuation of the Office, granting it a permanent mandate "*until the refugee problem is solved*."<sup>15</sup>

## Nature of the mandate

As for the nature of the mandate of the High Commissioner, in line with paragraph 2 of the Statute, the position is non-political (i.e. impartial), humanitarian and social in character. The budgetary and administrative parts of the Statute clarify that administrative expenditures shall be borne by the UN budget, while "all other activities" of the High Commissioner through their

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<sup>8</sup> *Convention Relating to the Status of Refugees* (1951 Convention), UNTS vol. 189, p. 137, 28 July 1951, [www.refworld.org/legal/agreements/unga/1951/en/39821](http://www.refworld.org/legal/agreements/unga/1951/en/39821).

<sup>9</sup> The Statute, para. 8(a).

<sup>10</sup> 1951 Convention, final preambular paragraph, Articles 35 and 36; as well as UNGA, *Convention relating to the Status of Stateless Persons*, UNTS vol. 360, p. 117, 28 September 1954, [www.refworld.org/legal/agreements/unga/1954/en/32744](http://www.refworld.org/legal/agreements/unga/1954/en/32744). Article 33, (discussed in D below). See further note 25.

<sup>11</sup> Diplomatic protection normally refers to a State's right to take action on behalf of its nationals against another State that has violated international law. Consular protection normally refers to help provided by a country to its citizens who are living or travelling abroad and are in need of assistance.

<sup>12</sup> Non-refoulement is a core principle of international [human rights](#) and refugee law that prohibits States from returning individuals in any manner whatsoever (whether directly or indirectly) to territories where they may be at risk of [persecution](#), torture, or other forms of serious or irreparable harm. The most prominent expression of the principle of non-refoulement in international [refugee law](#) is Article 33(1) of the [1951 Convention](#). The principle also is part of [customary international law](#) and is therefore binding on all States, whether or not they are parties to the 1951 Convention. See UNHCR, *Master Glossary of Terms*, <https://www.unhcr.org/glossary>.

<sup>13</sup> The Statute, paras. 1, 8; see also, 1951 Convention, final preambular paragraph as well as Article 35; *Protocol Relating to the Status of Refugees* (1967 Protocol), UNTS vol. 606, p. 267, 31 January 1967, [www.refworld.org/legal/agreements/unga/1967/en/41400](http://www.refworld.org/legal/agreements/unga/1967/en/41400), Article II; and 1969 OAU Convention, Article VIII.

<sup>14</sup> The Statute, para. 12.

<sup>15</sup> UNGA Res. 58/153, 22 December 2003, para. 9.

Office are to be financed through voluntary contributions.<sup>16</sup> The Office's budget and operational activities are guided by a smaller intergovernmental body, the Executive Committee of the High Commissioner's Programme (hereafter ExCom). As regards international protection, the role of ExCom is to advise the High Commissioner at his or her request.<sup>17</sup>

In response to reporting by the High Commissioner, two different sets of UNGA resolutions are adopted annually: (i) so-called "omnibus" resolutions referring to the High Commissioner and the Office in general, to its reports and to broader global developments in forced displacement; and (ii) "situational" resolutions which are country- or region-specific. In addition, ExCom adopts Conclusions on International Protection on specific themes around forced displacement and statelessness.<sup>18</sup> Although not formally binding, ExCom Conclusions are relevant to and inform the interpretation of legal principles and other aspects of the international protection regime. They constitute expressions of opinion which are broadly representative of the views of the international community. The specialist knowledge of ExCom, and the fact that its Conclusions are taken by consensus, add further to their weight.

Activities not central to the mandate are often integrated into subsequent omnibus resolutions. Through repeated requirements or endorsements of specific protection and assistance responsibilities, the UNGA has assigned the High Commissioner and the Office responsibilities for protecting and assisting specific categories of people. Repeated UNGA resolutions, together with the acceptance of States, therefore, lay down provisions of a "constitutional" nature for the High Commissioner and the Office.

## **B. Refugees and asylum-seekers**

The High Commissioner's original mandate under the Statute covers refugees, who are outside their country of origin and lack the protection of their own country. This includes individuals who require international protection owing to a well-founded fear of persecution and who fall within the definitions set out in the 1951 Convention and/or the Statute. In addition, as a result of successive UNGA resolutions and developments in international public law, notably regional legal instruments adopted in Africa<sup>19</sup> and the Americas,<sup>20</sup> the High Commissioner's mandate also extends to persons who are in need of international protection because of a serious threat to their life, liberty or personal security in their country of origin as a result of conflict, generalized violence, or other circumstances that have seriously disturbed public order and who, as a result, lack the protection of their own countries.<sup>21</sup>

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<sup>16</sup> The Statute, para. 20.

<sup>17</sup> As for the role of ExCom, see UNGA Res. 1166 (XII), 26 November 1957 and ECOSOC Res. 672 (XXV), 30 April 1958.

<sup>18</sup> See UNHCR, *A Thematic Compilation of Executive Committee Conclusions (7th edition)*, June 2014, [www.refworld.org/policy/exconc/excom/2014/en/147507](http://www.refworld.org/policy/exconc/excom/2014/en/147507), where the pronouncements by ExCom in relation to the various components of the High Commissioner's practice can be found.

<sup>19</sup> Organization of African Unity (OAU), *Convention Governing the Specific Aspects of Refugee Problems in Africa* (1969 OAU Convention), 1001 UNTS 45, 10 September 1969, [www.refworld.org/legal/agreements/oau/1969/en/13572](http://www.refworld.org/legal/agreements/oau/1969/en/13572).

<sup>20</sup> *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama* (1984 Cartagena Declaration), 22 November 1984, [www.refworld.org/legal/resolution/rri/1984/en/64184](http://www.refworld.org/legal/resolution/rri/1984/en/64184). The 1984 Cartagena Declaration is not a treaty within the meaning of Article 1(a) of the 1969 Vienna Convention on the Law of Treaties, but the broader refugee criteria contained in Conclusion III (3) are incorporated in the domestic legal framework of 15 States in the Americas region.

<sup>21</sup> UNGA Res. 49/169, 23 December 1994, para. 3; UNHCR, *Note on International Protection*, A/AC.96/830, 7 September 1994, paras 8, 10-11, 31-32, [www.refworld.org/policy/unhcrnotes/unhcr/1994/en/39142](http://www.refworld.org/policy/unhcrnotes/unhcr/1994/en/39142).

Asylum-seekers also fall within the High Commissioner's competence (*ratione personae*). The UNGA has adopted the term in resolutions relating to the High Commissioner since 1981.<sup>22</sup> The term "asylum-seeker" refers to anyone seeking international protection. It is not a legal term of art under international law. In some countries, it is used as a legal term referring to a person who has applied for refugee status or a complementary form of international protection and has not yet received a final decision on their claim. It can also refer to a person who has not yet applied but may intend to do so and may need international protection. Not every asylum-seeker will be a refugee or otherwise require international protection; however, every refugee is initially an asylum-seeker. Asylum-seekers are entitled to human rights protection, including protection from refoulement, and may therefore not be returned to their country of origin until their asylum claim has been examined through a fair procedure.

The High Commissioner and the Office are authorized to determine which individuals or groups fall within the mandate. This may be in relation to a specific individual or a wider group. Such declarations, made in the exercise of the mandate, signal to external actors the High Commissioner's authority, interest in, and responsibilities towards the people covered by the declaration.

The refugee mandate applies in both emergency and non-emergency displacement situations, including in mixed movements in which asylum-seekers and refugees move alongside migrants. The High Commissioner's mandate with respect to refugees and asylum-seekers is global and applies regardless of location.<sup>23</sup>

Given the particular character of refugees as people who no longer have the protection of their own country, the High Commissioner was mandated to provide international protection and to intercede on their behalf, and to seek permanent solutions to their problems. This is achieved by assisting governments, and where approved by the governments concerned, private organizations, to facilitate voluntary repatriation or inclusion in new communities.<sup>24</sup> The functions that the High Commissioner is required to carry out for refugees are set out in the Statute (in particular paras. 1, 8, 9, and 10) and in subsequent UNGA and ECOSOC resolutions. These functions include promoting the conclusion and ratification of international refugee instruments and supervising their application; promoting special agreements with governments to improve the situation of refugees; promoting the admission of refugees to territories; promoting voluntary repatriation or integration in new societies; and facilitating the coordination of efforts by private organizations concerned with the welfare of refugees, among other functions.

In carrying out these functions, the Statute strongly encourages partnerships.<sup>25</sup> Through annual consultations with non-governmental organizations (NGOs), structured and informal dialogues with key partners, and numerous Memoranda and Letters of Understanding with UN agencies, other intergovernmental organizations, governments, academic institutions and

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<sup>22</sup> UNGA Res. 36/125, 14 December 1981, paras 5(b) and 6; UNGA Res. 79/156, 17 December 2024, para. 20.

<sup>23</sup> The Office notes the existence and functions of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), established by UNGA Res. 302 (IV) of 8 December 1949, to carry out direct relief and works programmes for Palestine refugees. The functions of the High Commissioner and UNRWA are complementary: the High Commissioner has the global refugee mandate, while UNRWA has a specific mandate over a particular category of refugees residing in five areas of operation (Gaza, West Bank, Lebanon, Jordan and Syria). This complementarity is acknowledged in the Statute, para. 7(c) and also in 1951 Convention, Article 1D.

<sup>24</sup> The Statute, para. 1.

<sup>25</sup> The Statute, paras 1, 8(b), 8(c), 8(f), 8(g), 8(h), 8(i), 10, 12 and 17.

NGOs, the Office has established a strong network of collaboration to advance the protection and assistance of refugees and asylum-seekers.

More specifically on collaboration and coordination, the Statute stipulates, for example, that the High Commissioner, through the Office, shall provide for the protection of refugees by:

- *“Promoting ... special agreements with Governments ... to improve the situation of refugees”* (para. 8 (b)),
- *“Assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities”* (para. 8(c)),
- *“Keeping in close touch with the Governments and inter-governmental organizations concerned”* (para. 8(g)),
- *“Establishing contact in such manner as he may think best with private organizations dealing with refugee questions”* (para. 8(h)),
- *“Facilitating the co-ordination of the efforts of private organizations concerned with the welfare of refugees”* (para. 8(i)),
- *“...administer any funds, public or private, which he receives for assistance to refugees, and shall distribute them among the private and, as appropriate, public agencies”* (para. 10),
- *“The High Commissioner may invite the co-operation of the various specialized agencies”* (para. 12), and
- *“The High Commissioner and the Secretary-General shall make appropriate arrangements for liaison and consultation on matters of mutual interest”* (para. 17).

These legal provisions demonstrate that the Office was established as *the* global refugee organization of the UN and, as such, that the Statute places the High Commissioner and the Office at the centre of the international refugee response system, including with respect to coordination functions.

With respect to assistance, the Statute obliges the High Commissioner and the Office to carry out a range of assistance-related activities:

- The High Commissioner *“[shall] assist[-] governmental and private efforts to promote voluntary repatriation or their assimilation with new national communities”* (para. 8(c)).
- The High Commissioner shall also *“promot[e] through special agreements with Governments the execution of any measures calculated to improve the situation of refugees”* (para. 8(b)).
- The High Commissioner *“shall engage in such additional activities, including repatriation and resettlement, as the General Assembly may determine, within the limits of the resources placed at his disposal”* (para. 9).
- The High Commissioner *“shall administer any funds, public or private, which he receives for assistance to refugees, and shall distribute them among the private and, as appropriate, public agencies which he deems best qualified to administer such assistance. The High Commissioner may reject any offers which he does not consider appropriate or which cannot be utilized.”* (para. 10).



This role of the High Commissioner, closely linked to the international protection and durable solutions mandate, is also reflected in numerous subsequent UNGA resolutions, including the annual omnibus resolution and the annual resolution on assistance to refugees, returnees and displaced persons in Africa.<sup>26</sup>

In exercising its functions, the Office has undertaken relief distribution, emergency preparedness, special humanitarian activities, support for specific needs and engagement in broader development work,<sup>27</sup> as well as registration, status determination and issuance of documentation for people falling under the mandate. While the Office's mandate does not extend to migrants, asylum-seekers and refugees are often part of mixed movements, which necessitates engagement by the Office.

The High Commissioner's functions also include promoting the conclusion and ratification of international conventions for the protection of refugees, proposing amendments, and supervising their application in relation to States' compliance with their international obligations towards refugees and asylum-seekers as well as stateless persons. This is an integral part of the mandate and is directly linked to ensuring a principled and internationally consistent application of the international protection regime. The rationale behind this role is that strengthened supervision by an international organization is indispensable for a predictable framework of international cooperation and to the proper functioning of such a system.

The High Commissioner's supervisory responsibility is laid down explicitly in paragraph 8(a) of the Statute and is repeated in the preamble of the 1951 Convention. Further, under Articles 35 of the 1951 Convention and Article II of the 1967 Protocol, their 149 Contracting States<sup>28</sup> are obliged to cooperate with the High Commissioner in the exercise of his or her functions and in particular to facilitate the Office's supervisory responsibilities (see also above under A). The High Commissioner is therefore competent, under the Statute and international treaty law, to supervise all instruments relevant to refugee protection. Moreover, most regional refugee instruments also explicitly establish a link to the High Commissioner's supervisory function as regards the application of their provisions.<sup>29</sup> The High Commissioner's supervisory

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<sup>26</sup> See, for example, UNGA Res. 79/156, 17 December 2024, para. 29 and UNGA Res. 78/185, 19 December 2023, para. 12.

<sup>27</sup> See, for instance, UNHCR, *Putting Refugees on the Development Agenda: How Refugees and Returnees can Contribute to Achieving the Millennium Development Goals*, FORUM/2005/4, 18 May 2005, [www.refworld.org/policy/strategy/unhcr/2005/en/28095](http://www.refworld.org/policy/strategy/unhcr/2005/en/28095); *Global Compact on Refugees*, 2018, [www.refworld.org/legal/agreements/unga/2018/en/124198](http://www.refworld.org/legal/agreements/unga/2018/en/124198).

<sup>28</sup> As of December 2025. See Refugee Treaty and Legislation Dashboard, <https://rimap.unhcr.org/refugee-treaty-legislation-dashboard>.

<sup>29</sup> See 1969 OAU Convention (with 49 State Parties, Refugee Treaty and Legislation Dashboard), final preambular paragraph and Article VIII; 1984 Cartagena Declaration, Recommendation (e); UNHCR, *Agreement relating to Refugee Seamen*, 23 November 1957, the Preamble, [www.refworld.org/legal/agreements/unhcr/1957/en/25835](http://www.refworld.org/legal/agreements/unhcr/1957/en/25835). Furthermore, European Union law also demonstrates the commitment of its member States to cooperate with the High Commissioner in the implementation of the international refugee instruments, which extends to his supervisory role: for example, Declaration 17 on Article 73k of the *Treaty of Amsterdam Amending the Treaty on European Union, The Treaties Establishing the European Communities and Related Acts*, OJ 340/134, 10 November 1997 ("consultations shall be established with the United Nations High Commissioner for Refugees [...] on matters relating to asylum policy"); European Union: Council of the European Union, European Parliament, *Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council "Qualification Regulation"*, 32024R1347, 14 May 2024, Recitals 23, 24 and 61, [www.refworld.org/legal/reglegislation/council/2024/en/148003](http://www.refworld.org/legal/reglegislation/council/2024/en/148003); European Union: Council of the European Union,

responsibility is further strengthened by States' obligation to "*provid[e] the High Commissioner with information concerning the number and condition of refugees, and laws and regulations concerning them.*"<sup>30</sup>

The exercise of the High Commissioner's supervisory role is unique in many respects. It allows the High Commissioner and the Office to develop guidance on the interpretation and application of legal standards, engage with States in legislative, policy and judicial processes, and assist States in developing efficient and effective inclusive systems, particularly on asylum, but also on the rights of refugees. The Office has, in some countries, been directly involved in national status determination procedures. The Office has also worked closely with policy-makers and legislators to develop domestic laws and policies in line with international standards and with the judiciary by providing *amicus curiae* briefs on leading cases to set out the Office's legal position. A requirement that emanates directly from the High Commissioner's supervisory responsibility is, *inter alia*, that the Office be given prompt and unhindered access to asylum-seekers and refugees, wherever they are,<sup>31</sup> and be allowed to supervise their well-being and intervene on their behalf.<sup>32</sup>

As part of its mandate function of proposing and promoting instruments on the protection of refugees, the Office of the High Commissioner worked in 2018 with States and other stakeholders to develop the Global Compact on Refugees (hereafter GCR).<sup>33</sup> Building on international refugee and human rights law principles, and affirmed by the UNGA,<sup>34</sup> the GCR is a framework for more predictable and equitable responsibility-sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation. It also outlines concrete measures to assist States in fulfilling their obligations under the 1951 Convention and other binding legal instruments.

### C. Returnees

Returnees are former refugees who have returned to their country of origin, either independently or in an organized manner, but have not yet been fully integrated. This category includes former refugees returning as part of the application of the cessation clauses under the 1951 Convention or regional equivalents.<sup>35</sup> Such return normally takes place under conditions of voluntariness, safety and dignity. It may also include refugees who have returned in adverse circumstances, where the decision to return is driven, at least in part, by push factors in the host country.

The High Commissioner has a protection and solutions mandate in relation to returnees as former refugees. Paragraph (I) of ExCom Conclusion No. 40, which was endorsed by the UNGA,<sup>36</sup> acknowledges the High Commissioner's role on their behalf in the context of

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European Parliament, *Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU "Asylum Procedures Regulation"*, 32024R1348, 14 May 2024, Recital 38 and Article 6, [www.refworld.org/legal/reglegislation/council/2024/en/148004](http://www.refworld.org/legal/reglegislation/council/2024/en/148004).

<sup>30</sup> UNGA res. 428(V), 14 December 1950, para 2(h). See also the Statute, para. 8(f); 1951 Convention, Articles 35(2) and 36.

<sup>31</sup> See also ExCom Conclusions No. 22 (III) (1981); 33 (XXXV) (1984), para. (h); 72 (XLIV) (1993), para. (b); 73 (XLV) (1993), para. (b)(iii); 77 (XLVI) (1995), para. (q); 79 (XLVII) (1996), para. (p); see further UNGA Res. 50/152, 21 December 1995, para. 13; UNGA Res. 52/103, 12 December 1997, para. 7; UNGA Res. 53/125, 9 December 1998, para. 9; UNGA Res. 54/146, 17 December 1999, para. 10; UNGA Res. 55/74, 4 December 2000, para. 11.

<sup>32</sup> See ExCom Conclusions Nos. 22 (III) (1981); 48 (XXXVIII) (1987), para. (4)(d); see further UNGA Res. 35/135, 11 December 1980, para. 1; UNGA Res. 49/169, 23 December 1994, para. 9.

<sup>33</sup> *Global Compact on Refugees*, 2018, [www.refworld.org/legal/agreements/unga/2018/en/124198](http://www.refworld.org/legal/agreements/unga/2018/en/124198).

<sup>34</sup> UNGA, Res. 73/151, 17 December 2018.

<sup>35</sup> 1951 Convention, Article 1C(5) and (6); 1969 OAU Convention, Article 1(4).

<sup>36</sup> Endorsed by UNGA Res. 40/118, 13 December 1985, para. 7.

voluntary repatriation operations, while recognizing the High Commissioner's legitimate concern regarding the consequences of the return of refugees to their home countries.

Collaborative efforts with national governments, local organizations, and international partners are integral to delivering comprehensive humanitarian assistance to returnees and receiving communities, including shelter, healthcare, and livelihood support. UNHCR's activities can involve providing information on areas of return, facilitating access to essential documentation and legal assistance, and ensuring that returnees receive support in all relevant forms, which are vital for rebuilding social cohesion and ensuring durable solutions in post-crisis environments, in line with the High Commissioner's broader statutory functions to seek permanent solutions. The role of the Office may also involve working with development actors to mobilize development assistance where relevant to support return.<sup>37</sup>

#### **D. Stateless persons**

The High Commissioner's core mandate includes stateless persons, defined in the 1954 Convention relating to the Status of Stateless Persons (hereafter the 1954 Convention) as individuals who are not considered nationals by any State under the operation of its law, as well as individuals of undetermined nationality and those at risk of statelessness.

The High Commissioner was originally mandated in the Office's 1950 Statute to address the situation of stateless persons who were refugees pursuant to paragraph 6(A)(II) of the UNHCR Statute and Article 1(A)(2) of the 1951 Convention.<sup>38</sup> Successive UNGA resolutions, most notably UNGA resolution 50/152 of December 1995 and UNGA resolution 61/137 of December 2006, have since expanded the scope of responsibilities to include stateless persons who have not been forcibly displaced, such as *in situ* stateless people who remain in their country of birth or habitual residence without a nationality, as well as individuals of undetermined nationality and those at risk of statelessness.<sup>39</sup>

The activities that the High Commissioner is required to carry out under the statelessness mandate are set out in various UNGA resolutions.<sup>40</sup> The mandate in its current form was affirmed in 2006, when the UNGA endorsed ExCom Conclusion No. 106 and confirmed the High Commissioner's role in four key areas of activity relating to statelessness: identification, prevention, reduction, and protection.

With respect to identification, the High Commissioner has been requested to support governments in identifying stateless persons and individuals with undetermined nationality, to undertake research on statelessness, and to support the development of systematic methodologies for the collection and analysis of data on statelessness. In relation to prevention, the High Commissioner is mandated to support States in reviewing and reforming nationality laws to bring them in line with international standards, to provide technical advice to address the causes of statelessness, and to facilitate birth registration and the issuance of

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<sup>37</sup> ExCom Conclusion No. 74 (XLV) (1994), para. (q).

<sup>38</sup> On the general competence of the United Nations to deal with refugees and stateless persons, see *supra* note 5.

<sup>39</sup> The High Commissioner's responsibility with regard to persons of undetermined nationality is specifically articulated in ExCom Conclusion No. 106 (LVII) of 2006, which calls on the High Commissioner to support governments in identifying both stateless populations and those with undetermined nationality. This conclusion was endorsed by UNGA Res. 61/137, 19 December 2006. The High Commissioner's mandate in relation to persons at risk of statelessness was affirmed in UNGA Res. 50/152, 21 December 1995, which recognizes the Office's role in the prevention of statelessness. ExCom Conclusion No. 106 (LVII) of 2006 also reinforces this mandate by highlighting the Office's role in facilitating birth registration as a key measure to prevent statelessness.

<sup>40</sup> UNGA Res. 3274 (XXIV), 10 December 1974; UNGA Res. 31/36, 30 November 1976; UNGA Res. 50/152, 21 December 1995; UNGA Res. 61/137, 19 December 2006.



birth and identity documents. With respect to the reduction of statelessness, the High Commissioner is requested to assist States in addressing statelessness, particularly in protracted situations, and to raise public awareness of access to nationality. With respect to protection, the High Commissioner is requested to provide technical and capacity building support to States to identify, record and grant a status to stateless persons, and to implement programmes that contribute to their protection and assistance.

As the UNGA affirmed in resolution 50/152, the High Commissioner is also mandated to provide technical and advisory support to States in the drafting and implementation of nationality legislation, which relates to both the prevention and reduction of statelessness. In the same resolution, the High Commissioner was requested to promote accessions to the 1954 Convention and the 1961 Convention on the Reduction of Statelessness (hereafter the 1961 Convention).<sup>41</sup>

The High Commissioner's mandate also includes a specific role under Article 11 of the 1961 Convention, which allows individuals claiming the benefit of the Convention to request the High Commissioner's assistance in presenting their case to the relevant national authorities. The High Commissioner was initially designated to perform this function on an interim basis in 1974,<sup>42</sup> following the Convention's sixth ratification. The UNGA formally confirmed this responsibility in 1976<sup>43</sup> and has reaffirmed it through subsequent resolutions. The 1954 Convention establishes only a limited supervisory framework. Article 33 provides that "[t]he Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention." In practice, the High Commissioner has assumed this supervisory role. This has been reinforced by ExCom's request for the Office of the High Commissioner to provide technical advice to State Parties on implementing the 1954 Convention, to promote the consistent application of its provisions.<sup>44</sup>

The High Commissioner is expected to carry out certain aspects of the mandate in collaboration with other UN agencies. The UN Secretary-General's Guidance Note on the United Nations and Statelessness outlines the institutional responsibilities of various UN entities in this area.<sup>45</sup>

### **E. The internally displaced**

The High Commissioner does not have a general or exclusive mandate for internally displaced people (IDPs) but has been authorized by the UNGA to be involved operationally, under certain circumstances, in enhancing protection and providing humanitarian assistance to internally displaced persons through special operations.<sup>46</sup> The High Commissioner's engagement with the internally displaced has historically been related to situations where there is a strong link with refugee outflows (for example, in Angola, Colombia or Sudan) or in the context of refugee returns, such as in Bosnia and Herzegovina and Serbia (Kosovo). The UNGA referred for the first time in 1972 to internally displaced persons in connection with the

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<sup>41</sup> UNGA Res. 50/152, 21 December 1995, para 15.

<sup>42</sup> UNGA Res. 3274 (XXIV), 10 December 1974, para 1.

<sup>43</sup> See UNGA Res. 31/36, 30 November 1976.

<sup>44</sup> See ExCom Conclusion No. 106 (LVII) (2006).

<sup>45</sup> United Nations, *Guidance Note of the Secretary General: The United Nations and Statelessness*, November 2018, [www.refworld.org/policy/legalguidance/unsecgen/2018/en/122473](http://www.refworld.org/policy/legalguidance/unsecgen/2018/en/122473).

<sup>46</sup> For example, in Bangladesh, Cyprus, Laos and Viet Nam. The activities of the High Commissioner for Refugees were subsequently endorsed by the UNGA; see UNHCR, *UNHCR's Operational Experience with Internally Displaced Persons*, Geneva, 1994, pp. 3-11, [www.refworld.org/policy/strategy/unhcr/1994/en/30875](http://www.refworld.org/policy/strategy/unhcr/1994/en/30875).

High Commissioner's operational activities in Sudan.<sup>47</sup> In 1992, the UNGA, for the first time through an omnibus resolution, acknowledged the High Commissioner's activities in favour of internally displaced people.<sup>48</sup> In 1993, the UNGA clarified the High Commissioner's role by setting out the formal criteria for the Office's involvement.<sup>49</sup>

The requirements for the High Commissioner's activities in favour of internally displaced persons are: a specific request or authorization from the Secretary-General or a competent principal organ of the UN; the consent of the State or other entities concerned; assurance of access to the internally displaced; availability of adequate resources and the Office's particular expertise and experience; complementarity with other agencies; and adequate staff safety.<sup>50</sup>

The Office's engagement with internally displaced people is largely shaped by the inter-agency coordination approach developed in the Inter-Agency Standing Committee context under the leadership of the Emergency Relief Coordinator, and operating in full respect of the mandates of the respective entities.<sup>51</sup> In this context, it was agreed in mid-2005 that the Office of the High Commissioner would assume global cluster leadership for protection, as well as co-leadership in the areas of camp coordination and management and emergency shelter.<sup>52</sup> From 1 January 2026, it has been agreed that, at the global level, the High Commissioner will continue to lead the integrated Protection Cluster, while global leadership of the Global Shelter, Land and Site Coordination cluster (which merges Shelter and Camp Coordination and Camp Management and Housing, Land and Property) is assumed by IOM and the International Federation of Red Cross and Red Crescent Societies (IFRC). At country level, the Office will maintain leadership where it is already in place and where conditions are met.

The 2024 IASC IDP Protection Policy,<sup>53</sup> the 2019 UN Secretary-General's High-Level Panel on Internal Displacement,<sup>54</sup> and the related 2022 Secretary-General's Action Agenda<sup>55</sup> have called for a system wide shift in how internal displacement is addressed, emphasizing stronger leadership by national and local authorities, greater participation of internally displaced people and host communities, and a move towards more comprehensive,

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<sup>47</sup> See UNGA Res. 2958 (XXVII), 12 December 1972.

<sup>48</sup> UNGA Res. 47/105, 16 December 1992, para. 14; see also UN doc. EC/50/SC/INF.2, 20 June 2000.

<sup>49</sup> UNGA Res. 48/116, 20 December 1993, para. 12; as well as for more details UNHCR, *Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees*, UN doc. EC/50/SC/INF.2, [www.refworld.org/policy/strategy/unhcr/2000/en/21037](http://www.refworld.org/policy/strategy/unhcr/2000/en/21037), which was issued in March 2000 and presented to the Standing Committee.

<sup>50</sup> UNGA Res. 48/116, 20 December 1993, para. 12; and UNGA Res. 49/169, 23 December 1994, para. 10. See also ExCom Conclusion Nos. 75 (XLV) (1994) and No. 87 (L) (1999), para. (t).

<sup>51</sup> UNGA Res. 46/182, 19 December 1991, paras 33 and 34. For ExCom Conclusions referring to this, see Nos. 75 (XLV), para. (s); 98 (LIV) (2003), preambular para. 12; 100 (LV) (2004), para. (j)(ii); 102 (LVI) (2005), para. (x); 109 (LX) (2009), para. (n).

<sup>52</sup> On the High Commissioner's policy framework and implementation strategy for the internally displaced, see ExCom, Standing Committee, *UNHCR's Role in Support of an Enhanced Humanitarian Response to Situations of Internal Displacement. Policy Framework and Implementation Strategy*, EC/58/SC/CRP.18, 4 June 2007, [www.refworld.org/reference/annualreport/unhcr/2007/en/47720](http://www.refworld.org/reference/annualreport/unhcr/2007/en/47720). The High Commissioner's competence is derived from paras 3 and 9 of the Statute and a number of subsequent UNGA resolutions.

<sup>53</sup> Inter-Agency Standing Committee (IASC), *Policy: Protection of Internally Displaced Persons*, November 2024, <https://interagencystandingcommittee.org/sites/default/files/2024-11/IASC%20Policy%20on%20Protection%20of%20Internally%20Displaced%20Persons.pdf>.

<sup>54</sup> UN Secretary-General's High-Level Panel on Internal Displacement, [www.un.org/internal-displacement-panel/](http://www.un.org/internal-displacement-panel/); UN Secretary-General's High-Level Panel on Internal Displacement, *Shining a Light on Internal Displacement A Vision for the Future*, September 2021, <https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>.

<sup>55</sup> UN, *The United Nations Secretary-General's Action Agenda on Internal Displacement: Follow-Up to the Report of the UN Secretary-General's High-Level Panel on Internal Displacement*, June 2022, [www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement\\_EN.pdf](http://www.un.org/en/content/action-agenda-on-internal-displacement/assets/pdf/Action-Agenda-on-Internal-Displacement_EN.pdf).

development-oriented approaches. Together, these developments reflect an increasingly integrated model that brings together development, peacebuilding, human rights, climate change action, and disaster risk reduction efforts.

In situations that involve internally displaced people as well as refugees (including those covered under the 1951 Convention and the broader definition in regional instruments), the mandate, responsibilities and accountability of the High Commissioner and the Office remain unchanged. In such “mixed” IDP and refugee situations, regardless of the coordination mechanism adopted, the High Commissioner’s mandate responsibilities, combined with the supervisory role, require the Office to retain an oversight and monitoring role, within the UN response, over the delivery of services to refugees.

#### **F. “Good offices” function**

“Good offices” are a typical feature of international organizations. Various UNGA resolutions have called on the High Commissioner to extend “good offices” to assist different groups of people outside the core mandate, dating back to 1959.<sup>56</sup> As a result, the High Commissioner has assisted local communities, as well as war-affected civilians or besieged populations, especially in circumstances where it was neither feasible nor reasonable to treat them differently from other categories of concern to the High Commissioner, particularly in the context of voluntary repatriation or special humanitarian coordination functions for internally displaced populations. Such operational involvement has been of a humanitarian character and largely entailed channelling international assistance or providing protection. Humanitarian assistance through airlifts was, for example, delivered to the besieged local population in Sarajevo during the armed conflict in Bosnia and Herzegovina.

Other examples include the High Commissioner’s provision of assistance to displaced people in the context of disasters including cyclones in Mozambique in 2019 and floods in Pakistan in 2022.

In addition, ExCom has recognized that the High Commissioner can play a good offices role in supporting the return, in safety, dignity and respect for human rights, of people who are not in need of international protection,<sup>57</sup> including those whose asylum claims have been rejected following a fair and efficient asylum procedure. This recognition is based on the premise that “the efficient and expeditious return of persons found not to be in need of international protection is key to the international protection system as a whole”, and that “the credibility of individual asylum systems is seriously affected by the lack of prompt return of those who are found not to be in need of international protection”, in light of “the obligation of States to receive back their own nationals”.<sup>58</sup>

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<sup>56</sup> See UNGA, Res. 1388 (XIV), 20 November 1959, para. 2, in relation to Hong Kong.

<sup>57</sup> See ExCom Conclusion No. 96 (LIV) (2003).

<sup>58</sup> ExCom Conclusion No. 96 (LIV) (2003), preambular paras 2-3.