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### EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Fifty-first session

#### SUMMARY RECORD OF THE 548th MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 4 October 2000, at 3 p.m.

Chairman: Mr. MOLANDER (Sweden)  
(Vice-Chairman)

later: Mr. KHORRAM (Islamic Republic of Iran)  
(Chairman)

#### CONTENTS

ANNUAL THEME: UNHCR@50: FROM RESPONSE TO SOLUTIONS (continued)

#### REPORTS ON THE WORK OF THE STANDING COMMITTEE

##### (a) INTERNATIONAL PROTECTION

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In the absence of Mr. Khorram (Islamic Republic of Iran),  
Mr. Molander (Sweden), Vice-Chairman, took the Chair

The meeting was called to order at 3.10 p.m.

ANNUAL THEME: UNHCR@50: FROM RESPONSE TO SOLUTIONS (agenda item 4)  
(continued) (A/AC.96/938)

1. Mr. ALFELD (South Africa) said that South Africa was grateful for the assistance provided by the Office of the United Nations High Commissioner for Refugees (UNHCR) in connection with the return of South African exiles and the repatriation of Mozambican refugees and was proud to have progressed, within the space of a decade, from being a refugee-producing to a refugee-receiving country. UNHCR had provided valuable assistance in South Africa's national and regional refugee policy formulation and implementation efforts, ongoing awareness-raising campaigns to address rising levels of xenophobia and action to reduce the sizeable backlog with regard to refugee status determination.

2. His Government was aware that African countries needed to put their own house in order by strengthening their domestic capacity to prevent and resolve conflicts. That goal could be attained if African countries resolutely implemented the ambitious timetable of the Comprehensive Implementation Plan which had been devised at the recent Organization of African Unity (OAU)/UNHCR meeting to commemorate the thirtieth anniversary of the OAU Refugee Convention. His Government called on UNHCR to promote the Plan and urged donors to consider supporting it.

3. It was a matter of concern that Member States once again seemed incapable of funding a budget at a level which they themselves had determined. Recent innovations such as streamlined appeals, pledging and reporting mechanisms, and improved priority-setting had not yielded the required predictability of funding. It was important not to rely excessively on the principal donors to set priorities, thereby negating the needs and contribution of developing countries which hosted large refugee populations. South Africa would endeavour to maintain its modest level of financial support for UNHCR, which was probably the highest in the developing world, and commended the decision to use the fiftieth anniversary of UNHCR to launch the Refugee Education Trust and provide post-primary education to adolescent refugees.

4. South Africa roundly condemned the recent brutal murders of UNHCR staff in West Timor and Guinea. Those attacks and the concerted effort by the United Nations to address the issue of staff safety had awakened his Government's desire for urgent action, starting with the ratification of the 1994 Convention on the Safety of United Nations and Associated Personnel.

5. Mr. KESANG (Observer for Bhutan) said that Bhutan deplored the recent murders of UNHCR staff. It was important to distinguish between genuine refugees and illegal economic migrants. Squandering the scarce resources of UNHCR on the latter would simply encourage illegal migration while depriving refugees of the assistance they so desperately required.

6. In her opening statement, the High Commissioner had referred to the problem of Bhutanese refugees in Nepal. Certain parts of her statement might be misconstrued as implying that Bhutan had rejected the use of UNHCR's database and the UNHCR proposal on verification. On the contrary, Bhutan had requested the High Commissioner to make the database available to the Nepalese and Bhutanese Governments. A comprehensive list had now been drawn up which would facilitate verification of the people in the refugee camps. In that connection, it should be noted that Bhutan had also agreed to use, on a trial verification basis, a list of 3,056 people provided by UNHCR in November 1998, but the list had been rejected by Nepal.

7. Bhutan believed that the identity of the people in the camps had yet to be established and the matter was currently the subject of bilateral discussions between the two Governments. Reference to the people in the camps as "Bhutanese refugees" prejudged the outcome of the verification process. Both Governments agreed that not all the people in the camps were actually from Bhutan.

8. The question whether every adult aged over 18 should be individually verified was the subject of bilateral negotiation. Bhutan believed that, if all persons under the age of 25 were exempted from verification, as suggested by UNHCR, very large numbers of adults in the camps would remain unaccounted for. After all, the basic cause of the problem was illegal immigration and, in the past, the family unit had been abused as the main conduit for illegal immigration into Bhutan. It should also be noted that, in the last 50 years, Bhutan had taken in many displaced people of Nepalese origin, who currently made up 25 per cent of the national population; those individuals were now fully integrated into Bhutanese society. A further influx would overstrain the country's social and economic fabric and threaten its sovereignty.

9. Mr. NAZARIAN (Observer for Armenia) said that, following the collapse of the Soviet Union in the early 1990s, UNHCR and the donor community had mobilized to deal with regional issues in the Commonwealth of Independent States (CIS). The result had been the 1996 CIS Conference to address the problems of refugees and displaced persons. Through its Programme of Action, a process of regional cooperation had been launched to respond to the needs of up to 9 million displaced persons in the former Soviet Union.

10. Armenia was anxious to draw the attention of the donor community to the plight of its refugees and internally displaced persons. His Government had pledged to provide refugees with accommodation and employment in order to facilitate their integration into society. However, the resources currently available were insufficient for the task at hand, even when combined with assistance from UNHCR, the International Organization for Migration (IOM) and other international organizations. Accordingly, Armenia looked to the donor community for assistance in coping with its refugee problems.

11. Although the international community had been active in extensive resettlement projects in the Caucasus region, none of the projects involved Armenia, where the problem of temporary accommodation was particularly acute. His Government was currently working with UNHCR to encourage the voluntary repatriation of refugees and their assimilation into new communities,

although funding for the project was extremely limited. Humanitarian actors such as UNHCR, other United Nations agencies and international financial institutions had a vital role to play in ensuring that solutions to refugee problems were sustainable.

12. Prince SOBANDLA (Observer for Swaziland) said that a range of activities connected with refugees had been organized in Swaziland during the past year, including a candlelight prayer service demonstrating the refugee community's solidarity with national efforts to fight HIV/AIDS; the launch of a public-awareness campaign to illustrate the plight of refugee children and promote tolerance and compassion; the dissemination of the 1951 Convention relating to the Status of Refugees in a version tailored specifically to a Swazi readership; and various refugee-centred Reach Out initiatives in the media. In addition, Swaziland had acceded to the 1951 Convention and other relevant international instruments.

13. Mr. THIONUE (Observer for Senegal) said that he wished to convey the condolences of the Senegalese Government to the families of the recently murdered UNHCR staff members. UNHCR should ensure that its objectives and resources were better adapted to strengthening the protection of refugees and displaced persons. Senegal believed that responses and solutions to the refugee problem necessitated a comprehensive and integrated approach that took account of the interrelationship between development, peace and forced migrant flows. In Africa, poverty and political tensions were real threats to peace and led to violations of human rights and humanitarian law. An increase in official development assistance (ODA) was needed to counteract the instability and violence that precipitated refugee movements.

14. Such an approach required the involvement of other actors and stakeholders such as non-governmental organizations (NGOs), regional organizations and the private sector. In the same vein, UNHCR should continue to cooperate with OAU in order to avert and resolve conflicts. To be effective, humanitarian action had to be combined with real political solutions and ongoing efforts to encourage peace and development. Forecasting and post-conflict rehabilitation were other important areas of activity for UNHCR and it was vital to ensure that host countries did not themselves become potential breeding grounds for tension. Senegal was firmly committed to the institution of asylum and called for it to be strengthened.

15. Mr. SUTOYO (Observer for Indonesia) said that his Government strongly condemned the recent attack on the UNHCR office in Atambua in which three UNHCR officials and six Indonesians had been killed. Any threat to the physical well-being, let alone the brutal murder, of humanitarian workers in Indonesia was utterly unacceptable. At the same time, however, there was no evidence that the UNHCR staff in question had been kidnapped and any claim to the contrary was inaccurate.

16. The prolonged presence of refugees in camps along the border of any State created a host of humanitarian and other problems. The continued existence of such camps caused hardship to refugees and uncertainty about their future. At the national level, refugee camps imposed a heavy economic and social burden on a host State and potentially endangered relations with other countries. Indonesia had a good record of harbouring refugees and other displaced persons, notably boat people, and had willingly cooperated with UNHCR in repatriation and resettlement programmes. In the same spirit, his Government was anxious to work with UNHCR to resolve

the acute problem of the remaining East Timorese refugees in Indonesia. A comprehensive solution could be achieved only through concerted efforts and shared responsibility and, to date, approximately 155,000 refugees had been safely returned to East Timor.

17. Wishing to inject fresh momentum into the repatriation process, Indonesia had devised a Comprehensive Plan of Action which took account of the views of relevant international agencies. Two key elements of the Plan were the registration of the remaining refugees and respect for freedom of choice. Many refugees were intimidated by the choices confronting them and harboured lingering doubts about their security. Some had strong emotional ties with Indonesia. Accordingly, concerted and focused efforts were required to accelerate a comprehensive solution to the East Timorese refugee problem in accordance with strict deadlines. His Government would ideally like to see the closure of all refugee camps along the border within three to six months. Reconciliation efforts were a vital component of that strategy.

18. Mr. TANDAR (Observer for Afghanistan) said that, as a result of foreign invasion and occupation and the rule of the Taliban militia, more than 10 per cent of the world's refugees were Afghans. Some had been in exile for 20 years.

19. The Taliban could only be described as a refugee-creating force. Their scorched-earth policy forced thousands to leave the country and had displaced more than 100,000. All access to humanitarian assistance was blocked.

20. Physical and legal security were required for the Afghan refugee crisis to be brought to an end. The return of the refugees would not be possible as long as the minimum conditions were not in place: respect for human rights and minorities, the rule of law and the restoration of democracy. The Taliban were waging war on the Afghan people. However, they could not continue to do so without Pakistan's help in the form of men and arms. He therefore called on the international community to demand an end to that interference and thereby put an end to the rule of the Taliban.

21. Ms. SANCHEZ REYES (Nicaragua) said that, although Central America continued to suffer the consequences of its armed conflicts, the period when so many had been forced out of their homes or countries for political reasons was now behind them, thanks to the cooperation of the international community and other key actors. That process of reconciliation and reintegration was now a rich source that could be tapped for new solutions.

22. Durable solutions depended on international solidarity in efforts to protect refugees and their dignity. All parties, countries of origin, host countries and donors alike, needed political will and international organizations, civil society and financial institutions required coordination. She commended UNHCR for its work in establishing the necessary links and those countries that had worked to find joint solutions or had responded not only to "topical" situations, but also to situations where the need was real.

23. The year 2000 was the International Year for the Culture of Peace and she called on the international community and the United Nations system to endorse the Declaration and

Programme of Action on a Culture of Peace adopted by the General Assembly as a means of healing the scars left by years of armed conflict and laying the foundations for the society of the future.

24. The Government of Nicaragua expressed its condolences for the recent deaths of the four UNHCR staff members. It was unacceptable that humanitarian personnel working in the field, who were already exposed to many dangers, should also become the targets of violence. Her Government called on the international community to bring those responsible to justice.

25. Lastly, she said that development was essential in solving refugee problems following violent conflict: efforts had to be made to repair the extensive damage caused to the economy, society and the infrastructure through the strengthening of institutions and investment.

26. Mr. DJINNIT (Organization of African Unity) said that Africa continued to host the largest number of refugees and displaced persons in the world. One reason why those numbers remained high was that voluntary repatriation was frequently hampered by fresh influxes caused by conflict or natural disaster.

27. OAU was concerned at the compassion fatigue now displayed by African peoples: their own deteriorating socio-economic conditions made the seemingly endless burden imposed on countries of asylum unbearable. Equally disturbingly, refugees were now being used as instruments of war and were becoming a source of conflict between States. The xenophobia and hatred such situations generated made humanitarian work even more difficult and dangerous and he paid homage to all humanitarian workers who had been killed in the field.

28. Yet Africa had played its part in addressing the root causes of the problem of refugees and displaced persons. Africans at all levels made daily sacrifices in attempting to quench the fire of conflict ravaging their societies and economies and undermining development. They should not be left alone to face the challenge. The assistance extended to refugees and displaced persons in Africa must be commensurate with their plight and their tragedy must be addressed with the same commitment as tragedies elsewhere. He called on the international community to provide UNHCR and other humanitarian organizations with the resources required.

29. OAU, for its part, remained committed to that cause and was ready to shoulder its share of the burden. It would continue to work closely with UNHCR in implementing joint programmes.

30. Mr. LADEKARL (International Council of Voluntary Agencies) said that non-governmental organizations deeply regretted the recent killings of UNHCR staff and wished to convey their condolences to their families and relatives.

31. The interdependence between United Nations and non-United Nations humanitarian workers with regard to security was obvious to those working in the field. ICVA welcomed any dialogue with United Nations agencies that adopted a different approach from the centralized, legalistic, top-down approach that had hitherto dominated relations in security matters. Such dialogue should also address the position of the humanitarian staff of national NGOs: recent reports of the killing of 11 NGO staff in Guinea, for example, had gone largely unnoticed.

32. Humanitarian workers' security depended on the quality of protection provided to refugees and displaced persons. If refugees were unprotected and insecure, humanitarian workers were vulnerable too. Yet Governments' respect for the basic principles of refugee protection continued to decline.
33. ICVA therefore welcomed UNHCR's initiative to hold Global Consultations on the refugee protection regime. The Consultations could benefit from the extensive involvement of both NGOs and refugees themselves.
34. Resettlement and local integration were solutions that should be considered alongside voluntary repatriation. However, to be durable, they required increased commitment and financial support from the international community. Resettlement, for example, should be separate from and additional to the provision of asylum. Resettlement quotas should not be set in relation to the numbers of asylum-seekers, but should be a voluntary contribution by States to UNHCR's search for durable solutions.
35. NGOs were disappointed that the paper on the annual theme (A/AC.96/938) made little reference to crucial partnerships between UNHCR and NGOs or to the progress being made with the PARinAC process.
36. ICVA suggested that UNHCR should focus more on protection activities. In responding to crises, its priority should be to mobilize "armies" of protection officers and it should rely on other partners to provide the assistance that was needed.
37. Mr. KASTBERG (United Nations Children's Fund) said that the recent killings of UNHCR staff had been doubly grievous because not only had friends and colleagues been lost, but an attack on humanitarian workers was an attack on the humanitarian imperative itself. Despite the seemingly intractable problems, however, long-term solutions could be found if the political will was there to turn legal obligations into action and if national commitment was combined with sustained international support.
38. UNICEF and UNHCR should collaborate more closely on substantive policy development, as well as programme implementation. UNICEF worked with children within countries before, during and after the crises that led to their displacement. It worked in countries of origin, as well as in countries of asylum, and, together with UNHCR, it could help find long-term solutions.
39. Protecting children in conflict required, first and foremost, accountability and an end to impunity, without which the vicious circle of human rights violations against children could not be broken. UNICEF urged speedy ratification of the Statute of the International Criminal Court and welcomed Security Council resolution 1314 (2000), calling for violators of child rights to be excluded from amnesties under peace agreements.
40. Secondly, if refugee children were to have a viable future and benefit from long-term solutions, they must be protected from HIV/AIDS, which was recognized by the Security Council as a global threat to peace and security.

41. Thirdly, education was an essential element in the context of long-term solutions. It provided an environment of relative stability and normality for children amid the vicissitudes of war, enabled them to acquire basic skills for use in the future and offered an alternative to recruitment by military forces. Without education, most refugee children would have only a minimal chance of re-establishing their lives.

42. UNICEF believed that leaders in every sector of society must find the courage to shape the new consensus, according children the highest priority in all actions before, during and after conflict. UNICEF, for its part, pledged to work with UNHCR and other agencies to help reduce refugee problems before they started, moving from response to solutions and, ultimately, from solutions to prevention.

43. Mr. LAMB (Observer for the International Federation of Red Cross and Red Crescent Societies) expressed the profound shock that the Federation had felt on hearing of the recent murders of UNHCR field staff and extended its sympathy to UNHCR and its staff, to the families and friends of those murdered and to their government representatives. The Red Cross/Red Crescent movement had itself recently lost an ambulance driver, a member of the Palestine Red Crescent killed in the course of his humanitarian duties in Gaza. The Federation would be glad to work with other organizations to help find answers to the question of security. However, Governments needed to demonstrate clearly that they had the political will to allow those answers to be implemented.

44. The Federation's fieldwork was based largely on the efforts of volunteers and it was they who made it possible to deliver what had been promised. Volunteers were as much at risk as international workers and most of those who had been injured or killed in the course of Red Cross/Red Crescent work were nationals of the country concerned. It must be remembered that the action taken and the opinions expressed in public by any agency, organization or Government had a direct impact on the security of humanitarian workers.

45. The international response to the plight of internally displaced persons was still largely made on a case-by-case basis. For that reason, the recently launched Senior Inter-Agency Network on internal displacement was a welcome initiative and the Federation looked forward to working with the new Special Coordinator on Internal Displacement.

46. Ensuring effective protection for refugees and people in refugee-like situations required constant attention from all concerned. National Red Cross and Red Crescent Societies could play a useful role in situations of internal displacement owing to their legal status in all countries as autonomous humanitarian institutions. In particular, they could help plug some of the gaps through which the most vulnerable of those displaced could and did fall. The Federation also welcomed UNHCR's "Reach Out" initiative, which involved Governments, the Red Cross/Red Crescent and NGOs more fully in protection.

47. Every effort would be made to link the work of the national Societies to that of UNHCR and other agencies. Interesting developments were also taking place at the regional level: one such initiative was the Platform for European Red Cross Cooperation for refugees, asylum-seekers and migrants.



48. Mr. MOUNTAIN (Office for the Coordination of Humanitarian Affairs) said that the recent deaths of fellow humanitarian workers had touched all colleagues deeply and their sympathy went out to the families, friends and colleagues of those murdered. Security was a long-standing concern of United Nations teams in countries in crisis and the Inter-Agency Standing Committee (IASC) was working to improve cooperation in security matters between United Nations agencies and NGOs.

49. Coordination meant ensuring that the efforts of the humanitarian community had a maximum impact on those affected by crises. The inter-agency consolidated appeals process had lately developed, thanks in large part to UNHCR's active contribution, into a comprehensive field-driven instrument for strategic planning involving the United Nations system and, increasingly, NGOs and donors. Yet even that did not seem to be enough to produce the resources needed to respond to multiple crises. OCHA was deeply concerned at the drop in coverage for the year, which had reached only just above 47 per cent, as compared with 62 per cent at the same time the previous year.

50. Internally displaced persons accounted for the bulk of the need and represented a major humanitarian issue. It was basically the responsibility of host countries to respond to that need, but support from the international community was often indispensable, especially when authorities were unable or unwilling to do so. Internal displacement had been a major issue for IASC over the past year and it had agreed that efforts to improve assistance and protection for internally displaced persons at the country level should be stepped up. Coordination of the United Nations system response at the country level should remain the responsibility of the Humanitarian or Resident Coordinator.

51. UNHCR's help had been particularly valuable in establishing the new Senior Inter-Agency Network, which would make proposals for improving the response to the needs of internally displaced persons in selected countries. It had also made available a senior and very experienced official to serve as Special Coordinator on Internal Displacement within OCHA.

52. Lastly, he said some progress had been made on bridging the persistent gap between relief and development, whether in the aftermath of a natural disaster or following the political solution to an armed conflict, through the development of transitional appeals and of a set of policies at the inter-agency level.

53. Mr. KRISTOFFERSON (Joint United Nations Programme on HIV/AIDS (UNAIDS)) drew attention to Security Council resolution 1308 (2000), which recognized that, if unchecked, the HIV/AIDS pandemic could have a uniquely devastating impact on all sectors and levels of society and that it was exacerbated by conditions of violence and instability, which increased the risk of exposure to the disease through large movements of people. HIV/AIDS was now one of the main threats to human survival. The pandemic had also produced over 13 million orphans, who were easy targets for militia and other armed forces, who could cause further civil disruption and create further refugee flows. Moreover, it was recognized that refugee populations were particularly at risk, for a host of reasons, and the cooperation framework between UNAIDS and UNHCR must therefore be fully implemented.

54. UNAIDS had been given the task of formulating a comprehensive plan of action on how to address HIV/AIDS problems in conflict situations, with special emphasis on the destabilizing threats posed by the disease. The plan would be put into effect within two or three months, depending on the availability of resources, and would initially involve 12 countries in conflict or post-conflict situations.

55. He hoped that the Executive Committee would take the action necessary to ensure that the sacrifices made by humanitarian workers did not include their lives.

56. Ms. CONTAT HICKEL (International Committee of the Red Cross (ICRC)) said that UNHCR and the International Red Cross and Red Crescent Movement had always shared a close relationship based on their desire to uphold standards of protection and the fiftieth anniversary of UNHCR was an opportunity to review their shared concerns.

57. One concern was that legal standards were being flouted on a large scale, as the civilian population was increasingly being used for military and political purposes in armed conflicts, which had become the main cause of population movements. International humanitarian law, refugee law, notably the 1951 Convention relating to the Status of Refugees, and human rights law provided essential and complementary protection for individuals. Thus, both refugees and displaced persons were protected, as civilians, by international humanitarian law. However, States had an individual as well as a collective responsibility to respect and to ensure respect for international humanitarian law and to prosecute persons suspected of grave breaches of that law. ICRC was prepared to participate in any consultations on the implementation and development of international humanitarian law that might be initiated within the framework of the fiftieth anniversary of the 1951 Convention.

58. Another concern was the safety of humanitarian staff, as witnessed by the recent murders of four UNHCR staff members and the death of an ambulance driver from the Palestinian Red Cross in Gaza. The failure by many warring parties to recognize the special status of humanitarian workers might well make it impossible to provide protection and assistance to the victims of armed conflicts and thus to carry out the work entrusted to ICRC and UNHCR by the international community.

59. A further concern was the need for cooperation between States, the United Nations and humanitarian organizations in order to provide an effective humanitarian response based on a clear understanding of their roles and mandates. ICRC had established contact with political and military organizations and also with financial institutions such as the World Bank with a view to promoting long-term solutions. At the annual high-level UNHCR/ICRC meeting held in May 2000, the two organizations had drawn up a clear division of labour on the basis of their respective expertise and capacity.

60. Humanitarian organizations needed to be well-managed to operate in a complex environment and to face the problems of threats to their staff and lack of funds. Good humanitarian management balanced short-term and long-term objectives, guaranteed that training requirements were met, despite the reduced resources available, and ensured that what had been learned was applied to new situations. The challenge facing humanitarian organizations and States was to achieve security, effectiveness and sound cooperation.

61. Mr. Khorram (Islamic Republic of Iran) took the Chair.

62. Ms. MORENO FONTES (International Labour Organization (ILO)) said that there were major areas of convergence between the work of UNHCR and the ILO, as both were concerned with the protection of people who found themselves in countries other than their own. However, it was becoming more difficult to distinguish clearly between labour migration movements and refugee-like situations in the cases of labour migrants asking for asylum, refugees who went to countries as migrants to avoid problems with the authorities or retaliation against their family in their home country, refugees who overstayed their asylum-seeking period and people fleeing ecological disasters. At the same time, the human rights of refugees and migrants were being increasingly violated. The ILO would be pleased to work with UNHCR on developing strategies and measures to combat the illegal trafficking of migrants and refugees.

63. The slow rate of ratification of international standards on the protection of the basic rights of international migrants over the past decade was a source of concern. All persons in an irregular situation, whether they were migrant workers or refugees, should enjoy minimum protection. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would be an excellent opportunity to stress the urgent need to implement United Nations and ILO standards against discrimination and on the protection of migrants. The tasks of preparing, implementing and following up strategies to combat discrimination against migrants could be shared among international agencies. She looked forward to further cooperation with UNHCR to increase their understanding of the close relationship between asylum and refugee protection issues and the broader dynamics of international migration.

64. Mr. SCHATZER (International Organization for Migration (IOM)) said that, as one of UNHCR's partners in many of the operations illustrated in the background paper on the annual theme (A/AC.96/938), IOM had also had to face new challenges. International organizations needed to cooperate in the increasingly complex task of providing protection and assistance to people living outside their home countries or regions. IOM was now cooperating with UNHCR in the search for solutions to the problems of those caught up in mixed flows, with mixed motives and under mixed regimes of international and national law. He welcomed the efforts by UNHCR to reaffirm the importance of the 1951 Convention and the consultations it had organized on refugee protection, particularly those on gaps in protection and those involving the intersection of migration and refugee concerns.

65. As the movement of people, information and capital became easier, Governments were increasingly faced with the phenomenon of irregular migration and its subsidiary forms, including migrant trafficking and smuggling, as well as human rights abuses and the misuse of asylum procedures. IOM offered services to Governments to help them address the problem of irregular migration while at the same time protecting migrants' rights. A concerted migration management approach could usefully be explored as a means of alleviating the strains on the refugee protection system.

66. International law must be strengthened to enable humanitarian workers to carry out their already difficult tasks. Ways must be found to better protect them, punish the perpetrators and sanction States that were unwilling to prosecute those who abducted, tortured or murdered

humanitarian workers. Given the current state of the planet, UNHCR and IOM still had much work to do in the areas of refugee protection and the orderly management of migration, respectively.

67. Mr. DE BOICE (United Nations Development Programme (UNDP)) paid tribute to Mrs. Ogata for the way she had faced up to the tremendous political and security challenges that had emerged in the field of humanitarian assistance in the wake of the cold war and for going beyond considerations limited to protection and assistance to confront the issues of prevention, sustainable solutions and the rehabilitation of returnees. She had also drawn attention to the gap between emergency relief and longer-term development, which needed to be addressed more concretely. Progress had been made in both the so-called “Brookings process” and the Inter-Agency Standing Committee on ways to overcome that gap, but humanitarian and development actors must seek new ways to reduce both the risk of violent conflict and the vulnerability of populations to dislocation.

68. The United Nations system was increasingly recognizing that it was imperative to strengthen capacities and relationships within and between its various operational entities in order to maximize their contributions in extremely volatile situations or those where there was no peace, but no war. Those entities were already tackling the conceptual and practical difficulties involved in forming effective coalitions to address the complex problems in those situations and other grey areas; it was time to take stock and draw the various initiatives together and address the challenges identified in the background paper to the annual theme (A/AC.96/938). UNDP was currently examining ways of effectively implementing the new and creative partnerships with international and national actors that would be necessary to meet those challenges.

69. The CHAIRMAN, highlighting some of the main points made during the debate on the annual theme, said it was clear that the High Commissioner would be leaving UNHCR with a future of hope and challenges and a wonderful legacy on which to build that future. There had been many expressions of sympathy for the victims of the tragic events in Indonesia and Guinea. As the Secretary-General had noted, humanitarian workers were targeted “not in spite of being humanitarian workers ... but precisely because of the fact”. The chorus of condemnation and outrage that had been heard during the debate must be translated into action to ensure the safety of all humanitarian personnel.

70. The High Commissioner had highlighted five areas for future action: first, strengthening UNHCR’s emergency preparedness and response capacity; second, creating a secure environment for refugee-populated areas and humanitarian operations; third, developing new approaches to complex forced population movements; fourth, bridging the gap between humanitarian and development assistance in the transition from war to peace; and, fifth, promoting coexistence in divided communities. Those areas were directly related to the solutions discussed in the paper on the annual theme, namely, strengthening the system of asylum, building partnerships, increasing security, linking humanitarian assistance and longer-term development, and promoting and building peace.

71. The comments during the debate had related to the causes of conflict, responses and solutions. In terms of root causes, many speakers had noted that a variety of factors could lead

to conflict and the resulting mass displacement. Those factors included poverty, the lack of development, ethnic hatred, greed and violations of human rights. In its responses to refugee situations, UNHCR had been called on to keep protection as its primary goal; considerable support had been expressed for strengthening the institution of asylum. The 1951 Convention relating to the Status of Refugees and its 1967 Protocol were considered the cornerstone of international protection and the launching of the Global Consultations had been enthusiastically welcomed as a chance to reconfirm that. Many speakers had recognized that UNHCR's response and surge capacity needed to be further strengthened and adjusted to increasingly complex emergencies. Cooperation between UNHCR and its partners, particularly member States, was increasingly essential to deal with the wide-ranging needs of refugees, while the needs of vulnerable groups within refugee populations required special consideration. There was agreement that there was an urgent and critical need to ensure the security of humanitarian workers and refugee populations caught up in conflicts. UNHCR's willingness to learn from past experience, as evidenced by the Kosovo evaluation, had been welcomed.

72. In terms of solutions, voluntary repatriation was seen as the preferred durable solution. The importance of local integration and resettlement had been recognized and the benefits that refugees brought to the society they lived in had been highlighted. Long-term solutions required the involvement of a wide range of actors. Many speakers had commented on the important contribution to be made by regional organizations. At the national level, more innovative ways of utilizing available resources needed to be found, while international organizations would need to adjust their programmes to the specific needs and circumstances of recipient countries.

73. Bridging the gap between humanitarian assistance and development aid was vital for post-conflict peace-building, but, to achieve that, increased and predictable levels of funding would be needed. Other important considerations were capacity-building, anchoring refugees in the communities they returned to and promoting the culture of peace and coexistence. All sectors of society, including refugees and returnees, needed to be involved in those activities and the needs of vulnerable groups must be borne in mind.

#### REPORTS ON THE WORK OF THE STANDING COMMITTEE (agenda item 5)

##### (a) INTERNATIONAL PROTECTION (A/AC.96/930 and 939)

74. Ms. FELLER (Director, Department of International Protection) said that the murder of UNHCR colleagues in West Timor and Guinea had overshadowed the current session of the Executive Committee and raised the question of how the contribution by humanitarian workers to the protection of refugees should be weighed against their own security. The vulnerability of humanitarian workers might well be the factor that determined the limits to protection in the increasingly complex environment in which UNHCR worked.

75. She wished to take stock of protection trends, examine the degree of commonality of problems and responses at the global level and give some details of the Global Protection Consultations to be undertaken in the period leading up to the fiftieth anniversary of the 1951 Convention relating to the Status of Refugees. In the annual "Note on International Protection" (A/AC.96/930), international protection had been approached from the perspective of how it was operationalized in the field. That comprehensive overview complemented the

perspective which had been presented to the Executive Committee a year previously and which had dealt with the major protection challenges, namely: to redress the deteriorating quality of asylum; to give new impetus to efforts to revitalize the protection framework; to strengthen partnerships; and to find solutions to refugee problems in which protection was an overarching consideration. She would now examine the problems in the delivery of protection which were experienced in different regions with a surprising degree of commonality.

76. The first major problem was how to ensure protection to refugees in mass influx situations. It was exceedingly difficult to provide effective protection when the exodus was the result of an unresolved conflict, the lack of authority of the parties to the conflict or the lack of accountability with regard to compliance with basic human rights. The safety of refugees, returnees and displaced persons had sometimes been seriously threatened when conflicts had spilled across frontiers. Some borders had been closed because of concerns about national security and the safety of the local population. Funding shortfalls aggravated the problem, especially as many refugee-hosting countries had limited resources. Refugee women, children and the elderly were at most risk.

77. In a number of traditionally hospitable asylum countries, the political, security and economic impact of protracted refugee situations had sorely tested the hospitality of the local population, provoking hostility and violence against refugees, often in the form of politically instigated racist and xenophobic attacks. In such situations, asylum fatigue, coupled with falling international support, had made any degree of local integration illusory. All around the world, the questions were the same: Who had responsibility for meeting protection needs? What guarantees were provided for the physical security of refugees? And for how long?

78. A second common problem concerned the protection of refugees arriving as individuals. Countries were increasingly worried about growing costs, the difficulties of applying refugee concepts to heterogeneous groups and the inability to return rejected asylum-seekers; the result was an increase in processes and regulations ever less compatible with the prevailing protection framework. A major concern for UNHCR and many States was to establish processes to identify those who deserved protection and those who did not. As with mass influx situations, there was a growing call for clearer criteria and responsibility-sharing, in all regions.

79. A third set of problems stemmed from the nexus between migration and asylum. Although the question of irregular migratory movements was not a refugee problem per se, it could affect the protection context when, for example, would-be migrants lacking regular migration options misused asylum processes or resorted to migrant smugglers or when laws introduced to control migration impeded access by refugees to systems for the proper determination of their claims. A major difficulty also arose where the magnitude of migration led to indiscriminate procedures and hostility to refugees. The question of how to disentangle refugees from the net of migration controls in a way which ensured their access to protection needed careful review.

80. A fourth set of problems related to the application of solutions. Voluntary repatriation remained the most desirable solution, but often took place in unsuitable circumstances, leading to fresh outflows. In protracted refugee situations, the will to find interim solutions could be lacking and, in some cases, local integration or even self-reliance opportunities were not fully

exploited. Resettlement was necessarily of limited applicability. UNHCR appreciated the generous quotas offered, but the use of resettlement as a burden-sharing mechanism needed closer examination. Indeed, delineating the interrelationship of the three traditional solutions should be an important issue for international discussion. Those issues had found some response in UNHCR's protection activities and had been extensively covered in the Note on International Protection (A/AC.96/930).

81. She reiterated the importance of partnerships to promote protection. The reachout process was coming to an end. Over the past year, the focus had been on NGO partners, with a view to encouraging them to accept a protection role involving not simply advocacy, but also monitoring, reporting, information-sharing and protection itself. A good example was the project agreement recently concluded with the International Rescue Committee in Pakistan. Many recommendations generated by the reachout process had helped in preparations for the Global Protection Consultations, as had other events such as the colloquium organized with OAU in Conakry earlier in the year.

82. The Global Protection Consultations, launched in the Standing Committee in July 2000, had been proposed in order to clarify the scope and content of protection. The importance of the 1951 Convention had been stressed, as had the need to focus on protection challenges not covered by it or the 1967 Protocol. The proposals had attracted strong support, with a certain degree of caution. Many Governments viewed the multilateral discussion of increasingly shared problems as valuable in itself. Widespread support was evident among members of the Executive Committee, whose latest session's Conclusion marked a radical departure, in form and content, from previous practice, focusing mainly on the endorsement of the Global Consultations. Some States, notably those advocating an agenda for change, had expressed reservations about too wide-ranging a process and had warned against drawing UNHCR into issues beyond its mandate. NGOs, too, had expressed doubts about including issues going to the heart of the interpretation of the Convention's provisions in an intergovernmental agenda.

83. On issues specific to the Convention, interest focused on the direction in which the law had recently developed, the better to show how the Convention was currently understood and applied. The intention was therefore to structure the discussion on issues relating to the Convention through round tables of experts from Governments, NGOs and academia. It was hoped that background papers could be published as a contribution to the fiftieth anniversary celebrations, which would offer States parties an opportunity to reaffirm their commitment, possibly at a major intergovernmental event.

84. With regard to issues not covered by the Convention, it was hoped that the Consultations could be conducted within the framework of the Executive Committee. Active involvement by all concerned was very important, since encouraging the international community to further cooperative efforts to deal with new or emerging problems was one of the key aims. The Consultations would focus broadly on the themes of refugee protection in mass influx situations, refugee protection through individual asylum systems, including the problems inherent in the migration/asylum interface, and the achievement of durable protection-based solutions. The overall theme was responsibility-sharing; in recent years, there had been so-called

burden-sharing schemes, such as the evacuation of Kosovars. It was hoped that the Consultations would not only define problems and identify new approaches or guidelines, but also reaffirm the existing principles developed and applied over half a century.

85. Ironically, protection was the issue most promoted in rhetoric and most disliked in practice. But it was UNHCR's central responsibility, although the exercise of that responsibility brought the Office into confrontation with States more than any other issue. One explanation was clearly the nature of protection itself, which imposed limits on a State's discretion. Another explanation lay perhaps in the framework: UNHCR was told increasingly that the protection regime no longer fitted the problem. Refugee protection was a dynamic, action-oriented function and it must retain an inherent capacity for adjustment and development. It must therefore be firmly based on the principle that refugee protection was first and foremost designed to meet the needs of vulnerable and threatened individuals, but, to be effective, it must take account of the relevant environment, including the rights and interests of States and host countries. The broader humanitarian commitment must be revitalized through the Global Consultations.

86. Mr. MOLANDER (Sweden) said that Sweden welcomed the call for Global Consultations aimed at revitalizing the international protection regime. The starting point should be absolute respect for the right to seek asylum and the full, inclusive application of the Convention relating to the Status of Refugees and the Protocol thereto - a conclusion reached by the Council of Europe at the summit meeting in Tampere. The fiftieth anniversary of those instruments was also a good time to encourage States which had not yet ratified them to do so. The Consultations would also make it possible to address the question of differences in interpreting some of the Convention's provisions and to move forward in meeting protection needs not covered by that instrument. Sweden's own national system did, in fact, cover such needs. An effort should be made to reach basic global agreement on the most important needs, while allowing for further regional approaches.

87. One example was protection in mass flight situations, in which host States should have guarantees of the necessary resources. Possible difficulties in reaching agreement on responsibility-sharing should not be allowed to block progress on the legal issues discussed in the Global Consultations. Protection principles and State responsibilities must also be seen in their broader context. It might be therefore wise to consider asylum and migration issues in the second phase. The effects of control measures must also be discussed. States might not always welcome UNHCR's criticism with regard to adequate protection, but UNHCR had a recognized important role and a mandate to protect refugees, not States.

88. His delegation appreciated the role of the Director of the Department of International Protection and welcomed her introduction. His Government supported UNHCR's mandate for refugee protection and felt that every effort should be made to fulfil the Executive Committee's role to provide advice at the High Commissioner's request.

89. The special needs of children, adolescents and the elderly, and women in vulnerable situations should be highlighted in UNHCR activities and not lost sight of, particularly in times of budget constraints at the local level. UNHCR should also take account of developments in international standards. The General Assembly's forthcoming special session on children should prompt a closer look at children and protection during next year's session of the Executive



Committee. The rights of the child would be a priority topic during Sweden's presidency of the European Union and Sweden would host an EU meeting on the rights of children affected by conflict and displacement.

90. UNHCR's commendable assistance in State efforts to establish national refugee and asylum procedures helped in raising national standards and promoting integration and cooperation. International refugee law must adapt to changes in order to ensure that protecting refugees remained a foremost priority. Strengthening protection was the responsibility of all; in that spirit Sweden would participate actively in the Global Consultations.

91. Mr. HUHTANIEMI (Finland) said that the international protection system, as formulated by UNHCR, was in many respects at a crossroads. International protection had to be guaranteed while at the same time preserving the international asylum system's efficiency and credibility. Finland therefore welcomed UNHCR's efforts to produce two specific policy documents - on interception and on complementary forms of protection - discussed in the Standing Committee in July 2000.

92. One important problem was the dilemma between the right to seek protection and the fight against irregular migration; further analysis would be useful in that regard. The administrative measures listed by UNHCR played a crucial role in controlling irregular migration, but issues such as non-State or gender-based persecution should be further analysed in the context of the 1951 Convention, bearing in mind that women and children were among those facing greater risks of human rights violations; in that context, the phenomenon of trafficking also warranted urgent, coordinated international action.

93. Applying the three permanent solutions - voluntary return, local integration and resettlement - normally required substantial work and resources. UNHCR's need for the requisite financial and moral support in those difficult tasks should therefore be stressed. Implementing legislation and carrying out humanitarian operations were different sides of the same coin of protection. And it should be remembered that protecting the human rights of minorities, such as the Roma, in their countries of origin was the best way to prevent displacement. In the coming years, the European Union would be harmonizing its asylum policy - a task which deserved full support. Bearing in mind the conclusions of the European Summit held in Tampere in 1999, Finland reaffirmed the importance of fully respecting the right to seek asylum based on the full application of the Convention; it also drew attention to recent cooperation agreements signed between the European Commission and UNHCR.

94. As recognized in the current year's Note on International Protection, UNHCR was working closely with States to promote the flexible, but principled application of existing refugee protection instruments. Finland believed that wide-ranging international consultation was one way to achieve protection and would support the policy that the Consultations should include experts from NGOs, such as the European Council on Refugees and Exile, the Migration Policy Group and the Immigration Law Practitioners' Association, together with Government and UNHCR representatives.

95. Mr. REYES RODRIGUEZ (Colombia) said that his delegation deeply regretted the deaths of UNHCR humanitarian personnel and conveyed his Government's sincere condolences to their families.

96. International protection was based on legal principles, but its implementation had faced UNHCR with the challenge of finding practical solutions and that challenge had been further complicated by recent conflicts and forced displacements of people. UNHCR played an important role in Colombia in helping to guide the national authorities in taking preventive action, adopting protection measures and procedures aimed at durable solutions, applying domestic legislation and strengthening coordination among national and international bodies, governmental and non-governmental, including the dissemination and implementation of international legal instruments relating to refugees. His Government appreciated UNHCR's cooperation, which offered an example of how a dynamic approach could be adopted to internal displacements, one of the greatest challenges, which required a multifaceted response. The two main and equally complex aspects involved were the protection of internally displaced persons and the consolidation of local and regional asylum facilities. The first had been included in the peace strategy contained in the National Development Plan, in which prevention and return were key objectives of government action. The Government had been striving unflaggingly to reach a peace agreement with the insurgent groups that would include respect for international humanitarian law and Plan Colombia contained a set of investment projects to facilitate return.

97. With regard to local and regional asylum structures, UNHCR was called on to offer its experience in information and assistance to States which granted asylum and those involved in preparations for voluntary repatriation. UNHCR was carrying out highly important work in that regard in Ecuador, Panama and Venezuela. His Government's bilateral work with those neighbouring countries, in an atmosphere of mutual respect and observance of the relevant international instruments was enhanced by UNHCR's participation in the tripartite meetings that had been held.

98. Colombia reiterated its determination to pursue its efforts in two mutually supporting fields: the implementation and development of the existing Conventions; and inter-State cooperation, with UNHCR's assistance, for refugee protection.

99. On behalf of the Colombian Government and nation, he thanked the High Commissioner for the work which she had done during her 10 years of office and which had earned her the recognition and respect of the international community as a whole and refugees and internally displaced persons in particular.

100. Mr. GERBER (Switzerland), referring to international protection, said that the overview which the Director of the Department of International Protection had given provided an excellent working basis. With regard to the "first circle" of issues, it should be reaffirmed that the Convention remained the soundest international framework for refugee protection, but, while it was extremely useful to review that instrument's implementation every year, the opportunity should also be taken to look at other aspects such as possible developments in mechanisms for implementation, as well as matters of monitoring and supervision. The work of other expert

groups and interested bodies should also be taken into account so that the Executive Committee would be in a better position to keep abreast of refugee situations. It would be interesting to see what ideas the next High Commissioner would have on those questions.

101. With regard to the “second circle”, he supported the idea of attracting experts from various fields and wondered whether the findings would be produced in the form of conclusions or recommendations and whether they would be transmitted to other bodies.

102. As to the “third circle”, it was clear that UNHCR could not possibly have foreseen and made provision for all the events that had taken place in recent years. The matter was of major concern to the entire world community and called for appropriate responses, including adequate North-South cooperation. He welcomed the fact that UNHCR intended to identify themes which had a protection dimension and thus warranted particular attention. There were other subjects, not directly related to protection, that could give rise to problems and should be looked at by either the Executive Committee or, if necessary, some other body, perhaps one dealing with migration problems in general. It would also be useful to discuss ways of stepping up efforts to alleviate the burden on countries of first asylum, particularly those of the South.

103. For all those matters, it was essential for the Executive Committee to have a clear and binding timetable - although he hoped that next year’s commemorative meeting could also involve some measures to encourage countries which were not yet members to join.

The meeting rose at 6.15 p.m.