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HIGH COMMISSIONER FOR REFUGEES

Forty-ninth session

SUMMARY RECORD OF THE 527th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 6 October 1998 at 10 a.m.

Chairman: Mr. RODRIGUEZ CEDEÑO (Venezuela)

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The meeting was called to order at 10.25 a.m.

ANNUAL THEME: INTERNATIONAL SOLIDARITY AND BURDEN-SHARING IN ALL ITS ASPECTS: NATIONAL, REGIONAL AND INTERNATIONAL RESPONSIBILITIES FOR REFUGEES (agenda item 4) (continued) (A/AC.96/904)

1. Ms. BEDLINGTON (Australia) said that collective responsibility towards displaced people should focus primarily on the human dimension of the problem. In that regard, it should not be forgotten that the status of a displaced person was primarily a personal burden. The purpose of the current debate was to ensure effective coordination and delivery of the global capacity to assist and protect those in need. However, the term "burden-sharing" did not serve the purpose because it had negative connotations; it would therefore be advisable to use a more positive and appropriate terminology. There was also a need for a more profound study of the impact of massive population outflows, bearing in mind that refugees brought benefits as well as costs to host countries.

2. From the human rights standpoint, the primary obligation of States was to prevent the creation of new refugee flows in the first place by dealing with the root causes of the problem, namely, the poverty that led to instability, conflict and persecution. The goal of prevention lay at the heart of Australia's overseas aid programme, which provided a framework enabling the Australian Government to cooperate with other countries in the region in order to promote the development of human rights bodies, for example, the Indonesian National Commission on Human Rights. Following the outbreak of a conflict, sufficiently prompt intervention could prevent refugee outflows or, failing that, enable refugees to return in safety and dignity. In that connection, her Government wished to pay tribute to more than 1,500 peacekeepers who had made the ultimate sacrifice for the sake of a more peaceful world.

3. In 1998-1999, Australia's official development assistance budget had been set at \$A 1.48 billion, of which the lion's share - almost \$A 950 million, would be allocated to Asia and the Pacific, the region with the greatest concentration of people living below the poverty line. At the same time, her Government remained aware that, despite the benefits of the regional approach, it should not lead to the establishment of regional blocs. It was important never to lose sight of the global dimension. Conscious of the fact that the burden of refugee flows increased over time, Australia was endeavouring to give priority to early repatriation and, to that end, it had allocated some \$A 100 million to various mine-clearance activities over the period 1995-2000. When repatriation was not feasible, local integration must remain one of the three durable solutions. Unnecessarily protracting the temporary protection phase would simply add to the costs for the host country. For many refugees, neither repatriation nor integration were suitable durable solutions. Australia, a country which owed much to the contribution of refugees, would continue to be a strong supporter of the resettlement solution. Aware of the fact that States were not the only actors in the humanitarian arena, her delegation wished to pay tribute to non-governmental organizations working in the protection and development spheres. Australian individuals and organizations had made contributions totalling \$A 195 million in 1997.

4. When prevention measures were frustrated, it was incumbent on the international community to respond rapidly to protection and humanitarian needs. Whatever approach to the coordination of international and regional efforts was chosen, it should be ethically sound and ensure human rights for all; it should recognize the diverse ways in which all parties could contribute to the collective effort; and it should be sufficiently flexible and seek to use every opportunity to identify lasting solutions to the world's refugee problems. It involved the moral and international responsibilities of States, organizations and individuals.

5. Mr. ALEMU (Ethiopia) said that, although there was a general commitment to burden-sharing in the international community, the erosion of compassion and increased restrictions on the right to asylum had resulted in a blurring of the distinction between political refugees and economic migrants. Economic migrations brought to the fore the plight of a particular category that could not be ignored. That being the case, it was clear that developing countries had continued to bear the major part of the refugee burden. In sheltering refugees, the poorest of the poor were often forced to divert scarce resources from their development efforts. In that respect, the recent initiatives by UNHCR to address the environmental problems caused by the presence of a large number of refugees, particularly the afforestation and educational programmes, were encouraging signs. But the needs were too great to be met solely by UNHCR's efforts. UNHCR's partners such as UNDP, UNEP and FAO should play a more active role within the framework of a systematic, inter-State and inter-agency strategy. The problem was not only economic and environmental. The presence of large numbers of refugees generated new forms of insecurity which threatened not only the host countries, but also the countries of origin, as well as other countries in the subregion. In that regard, the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in Addis Ababa in 1996, and the Conference on Refugee Protection and Security, held in Kampala in 1998, had shown that the discussion of common security concerns could result in important recommendations.

6. Full and effective repatriation and reintegration were crucial to finding a durable solution to refugee problems. While there was immense pressure to repatriate refugees, on the other hand, there was reluctance to provide the necessary assistance to reintegrate them, thereby strengthening peace and development. UNHCR could not meet those challenges alone either. There was a consequent need for a burden-sharing arrangement between the various organizations involved. In that context, his delegation welcomed UNHCR's efforts to cooperate with development actors such as UNDP and the World Bank, but there was still a shortage of coordinating mechanisms and lead agencies to implement reintegration activities in some of the countries that had received refugees.

7. The situation in Ethiopia was encouraging, in respect both of the repatriation of Ethiopians from the Sudan and of the return of Somali refugees to their homeland. Cooperation in that field was designed to ensure that those who had returned would not flee again and that those who remained would continue to receive assistance until they could return home in safety and dignity. However, Ethiopia was facing a looming danger posed by the presence of over 200,000 displaced persons. The Eritrean aggression was a violation of

international law which the international community could not leave unpunished at the risk of encouraging similar acts. The universal rather than selective observance of international law should also be seen as forming part of burden-sharing.

8. Mr. MANNING (United Kingdom) said that the theme of the session was central to the consideration of how to strengthen the work of UNHCR in its task of providing protection for refugees. The United Kingdom welcomed UNHCR's efforts to improve areas such as technical oversight, needs assessment, standards setting and the dissemination of evaluation studies and lessons learned. Progress in those areas would make it possible to respond to the High Commissioner's understandable concern about the level and predictability of resources.

9. The starting point for action should be the prevention or resolution of situations which produced refugee outflows. The promotion of human rights, political stability and social cohesion were central to his Government's strategy in that regard. However, it was not always possible to avert violent conflict. In such cases, the international community should show solidarity with the civilian population. Generosity was not always enough; it was also important to ensure that assistance was provided as effectively as possible. To that end, his Government had adopted 10 key principles to guide humanitarian operations in conflict areas. They reaffirmed his Government's commitment to international humanitarian and human rights laws; the importance of tackling the underlying causes of crises; the desire to establish partnerships across the north-south divide; and the need to encourage the participation of people affected by crises in efforts to find durable solutions. The United Kingdom was endeavouring to disseminate those principles as widely as possible both nationally and internationally in order to raise public awareness of the difficult issues falling within UNHCR's mandate. In addition, his Government had recently published a white paper containing proposals for a comprehensive overhaul of the United Kingdom's immigration and asylum system. The proposals reflected the Government's intention to ensure that no asylum-seeker in genuine need would remain destitute, while at the same time providing a disincentive to economic migrants. The proposals also aimed to expedite the decision-making process to the benefit of genuine applicants. The United Kingdom was firmly convinced that States had a responsibility to protect their own citizens and accept people who had been repatriated, whatever the original reason for their departure. States should also refrain from the practice of refoulement of refugees; they should offer protection in line with international human rights standards and obligations. Finally, they must protect the institution of asylum and the credibility of the asylum process. The international community should therefore work with UNHCR to ensure that the latter was able to discharge its difficult mandate effectively.

10. Mr. KHAN (Pakistan) said that the concept of international burden-sharing had become even more central to the protection needs of refugees than at the time of the negotiations on the 1951 Convention relating to the Status of Refugees. The magnitude of present-day refugee problems was far beyond anything anticipated by the drafters of the Convention. No country could respond to mass refugee flows without the support of the international community. Unfortunately, instead of focusing on international responsibility

and solidarity, there had been a pointless debate on whether burden-sharing was an international obligation. In order to find a satisfactory solution, it was enough to believe that the duty of States to cooperate in solving problems of a humanitarian character under the United Nations Charter extended to the issue of refugees.

11. Pakistan had hosted the world's single largest concentration of refugees for over a decade. A total of 1.4 million Afghan refugees currently remained in Pakistan under a policy of temporary protection with voluntary return as the preferred option. Although Pakistan was not a signatory to the 1951 Convention, it had adopted an extremely generous open-door policy towards the Afghan refugees. During the first two years of the refugee inflow, Pakistan had shouldered the entire burden of hosting the new arrivals until humanitarian aid had begun to flow in. That assistance had now dried up, even though half the refugees remained in Pakistan and the country was experiencing severe economic problems. The impact of the reduction of wheat supplies to the refugees starting in October 1995 had manifested itself in shortages which had caused food riots at the beginning of 1997. Despite the numerous social and economic problems caused by their presence, Pakistan had always treated the refugees in an exemplary fashion. The international community should assume its share of the responsibility for the refugees pending their return; at the same time, it should not impose a policy of forced integration, which, given the sheer number of refugees in Pakistan, would simply exacerbate the serious tensions that already existed.

12. Without international solidarity, the fragile economies of the South would be unable to fulfil their humanitarian obligations. Consequently, there was a need to operationalize the principles of burden-sharing as enunciated in the Convention and reiterated in various conclusions of the Executive Committee. The current session should reaffirm the following principles: first, given the universal character of international humanitarian law and the responsibility of the international community, burden-sharing was an essential element in dealing with refugee flows. Second, the absence of an equitable international system of burden-sharing endangered the viability of the present system of protection. Third, developing countries which, by an accident of geography, continued to host large numbers of refugees could not carry the burden alone. Fourth, burden-sharing could not be limited to regional arrangements or restricted to particular aspects of the refugee problem. Fifth, States should share the responsibility of granting asylum by putting an end to the stringent controls which were eroding the enjoyment of that right. Sixth, UNHCR should act as a catalyst to deal with the adverse economic, social and political impact of large-scale refugee influxes to developing countries. The magnitude of the refugee crisis threatened the current international protection regime. International solidarity and burden-sharing could be the pillars supporting the edifice of any future protection arrangements. The Executive Committee should demonstrate that the international community was united in its desire to protect and promote the fundamental human rights of all refugees.

13. Mr. BERTELLO (Holy See) said that the theme of international solidarity and burden-sharing for the protection of refugees was a key element of the Holy See's doctrine and commitment. The reaction of the international community to refugees was both a gauge of the political willingness to afford

them assistance and protection and a measure of the capacity of modern man to put himself in the place of other suffering human beings. Unfortunately, it was not always easy to make the transition from declarations of principle to concrete programmes of action. But international solidarity was needed more than ever, because many refugees had fled to countries that were already poor, thereby retarding those countries' social and economic development and jeopardizing their participation in the global economy. In addition, the degradation of the environment and the damage done to the infrastructures in those countries would inevitably have repercussions at the global level. Prevention therefore remained the most effective remedy.

14. While credit should of course be given to host countries, it was also proper to commend those countries which had agreed to the resettlement in their territory of refugees for whom repatriation was not a viable option. His delegation believed that finding a solution to the problems facing refugees in that category was still a matter of urgency because their quality of life and security were seriously threatened, quite apart from the possibility of political manipulation.

15. Reiterating the conclusions of a number of episcopal conferences of the Catholic Church, his delegation wished to voice its concern at the trend in certain countries towards restrictions on the entry of asylum-seekers into their territory and the granting of refugee status. Although all States were of course entitled to monitor the entry of aliens into their territory, it was alarming that, in some cases, States tended to protect themselves against refugees rather than offer protection to them.

16. Burden-sharing should help to strengthen family unity. The Holy See commended UNHCR on its unwavering commitment to the implementation of that principle by requesting host countries to attach due weight to the families of refugees and take account of the importance of reuniting families in their decision-making processes.

17. Mr. ETIANG (Uganda) said that his delegation welcomed the selection of the theme for the current session of the Executive Committee. The complexity of present-day refugee situations posed enormous challenges and had grave implications for international peace and security, as shown by the tragedies in Kosovo and the Great Lakes region of Africa. The international community should therefore come up with innovative ideas to promote solidarity with regard to refugee flows. Unfortunately, the existing international instruments did not explicitly mention a legal commitment to burden-sharing, yet the concept did exist and was referred to in a number of instruments, for example the Charter on Refugees of the Organization of African Unity (OAU).

18. African countries believed that there was an urgent need for a stable international framework for the sharing of responsibilities. The economic and social impact of large refugee flows into host developing countries had been a topic of discussion within the international community since the 1970s. The mechanisms and programmes of action that had emerged from the Second International Conference on Assistance to Refugees in Africa (ICARA II) held in 1994 were a step in the right direction, even though the lack of a focal

point or a follow-up mechanism had impaired their effectiveness. Lessons should be learned from the ICARA experience with a view to drawing up a future plan of action to deal with the plight of refugees.

19. The crisis in the Great Lakes region had highlighted the negative consequences of refugee flows on the social, economic and environmental fabric and the security of host countries. It was crucial to sensitize the international community to the heavy burden being shouldered by developing countries such as Uganda. The problems caused by refugee flows should be resolved by moving beyond emergency aid and embracing rehabilitation and development activities. To that end, humanitarian organizations and development agencies should undertake coherent and complementary activities in a spirit of international solidarity.

20. As a country which had been both a source of and a host to refugees, Uganda was very much aware of the predicament of refugees, as well as of the burden borne by host countries. It was currently host to some 200,000 refugees from the Sudan, the Democratic Republic of the Congo, Rwanda and Burundi. While recognizing that voluntary repatriation was the best durable solution, the Ugandan Government had allocated land for local settlement and the integration of refugees within the local community. Assistance to refugees should go hand in hand with consideration of the needs of the local population.

21. Uganda was committed to working closely with UNHCR and the international community to identify durable solutions to refugee problems. His Government commended Mrs. Ogata on her statement that UNHCR would look at ways to promote African solutions to African problems, whether through OAU or subregional mechanisms.

22. International protection was one of the principal objectives of UNHCR. It was therefore alarming to note that breaches of protection standards and principles were frequently committed by States and other actors alike. Pressure should be brought to bear on perpetrators in order to force them to respect those standards. In that connection, it was important to separate armed elements from bona fide refugees in order to maintain the civilian character of refugee camps. The Ugandan Government scrupulously observed such a policy, and that was why it condemned the recent bombing of two towns in northern Uganda where there was a large refugee population. The bombing of refugee camps was unacceptable and should be condemned by the international community.

23. Mr. DEMBRI (Algeria) said that, despite the slight decline in the number of refugees, the statistics published by UNHCR were still alarming. All national, regional and international actors should be mobilized to take up the challenges posed by the refugee situation. The theme of international solidarity and burden-sharing would then come into its own. Only a concerted approach could do justice to the wide-ranging issues raised by international protection, such as the human rights of refugees, the right of asylum and the right to family reunification. Confronted with massive population flows, host and transit countries - which for the most part were located in the South - had seen their room for manoeuvre reduced, especially as regional crises had proved to be additional destabilizing factors for them.

24. Algeria had always advocated durable solutions such as voluntary repatriation, integration and resettlement. His Government had just completed the voluntary repatriation of at least 50,000 displaced persons from Mali and the Niger who had sought shelter in Algeria in the past few years. Working closely with countries of origin and UNHCR, IFAD and UNDP, Algeria had given preference to ensuring their dignified return within the framework of triangular transactions. So far as the Saharan refugees were concerned, Algeria had always sought to give preference to the equitable implementation of the principle of voluntary repatriation and to support a just and lasting solution to their problems. In that regard, his Government welcomed the direct talks between Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO), under the auspices of the United Nations, and reiterated its desire to expedite the process.

25. Algeria endorsed the efforts made by UNHCR in the context of United Nations reform to achieve greater efficiency in respect of coordination, management, intervention and prevention. His delegation was pleased that significant progress had been made in certain regions (Asia and the Pacific, the Americas), but remained concerned about the persistence and complexity of sources of tension in Africa (the Great Lakes region) and Europe (Kosovo). The financial problems facing UNHCR should not impact negatively on regions seriously affected by refugee problems. The international community should find the required resources to support the necessary efforts of solidarity and generosity with a view to relieving the suffering of the many populations in exile.

26. Mr. LI Changhe (China) said that his delegation fully approved of the theme chosen by the Executive Committee for its current session because the protection of refugees and the resolution of their problems could be achieved only through international solidarity and burden-sharing. Accordingly, asylum countries, resettlement countries and donor countries should pool their resources to meet the obligations imposed on them by international instruments. Developed countries should provide more assistance to developing countries, which hosted most of the world's refugees, while at the same time accepting more refugees for resettlement in their countries. If all parties concerned sincerely observed the principle of international solidarity and burden-sharing, the refugee-receiving countries would be encouraged to continue their open-door policy, thereby safeguarding the institution of asylum.

27. It was alarming to note that UNHCR was confronting growing difficulties in the field of international protection. On the one hand, refugees and humanitarian personnel alike had been the targets of continuous attacks which had caused UNHCR to withdraw from certain areas and interrupt assistance programmes. On the other hand, some countries had selfishly adopted highly restrictive asylum policies and reduced their donations to UNHCR, thereby jeopardizing refugee protection programmes.

28. Refugee problems should be tackled at the root and it was vital to preserve political stability, observe international standards and settle disputes by peaceful means. UNHCR should therefore cooperate with other

organizations in the United Nations system, including the Office of the High Commissioner for Human Rights, while preserving its strictly humanitarian character and avoiding duplication of work.

29. Despite economic constraints, China had allocated considerable human, material and financial resources to the reception of 280,000 refugees from Indo-China. UNHCR had also provided significant assistance. The Chinese Government was trying to hold diplomatic talks with the countries involved to ensure voluntary repatriation. As for those refugees who wished to remain in China, the Chinese Government would continue to help them and hoped that UNHCR would provide assistance in that regard. In addition, his Government had always shown its concern about the issue of the Vietnamese refugees in Hong Kong and hoped that UNHCR would continue to help it find a durable solution to that problem.

30. Ms. Sally WONG (China) said that the Comprehensive Plan of Action adopted by the International Conference on Indo-Chinese Refugees had shown how international cooperation could help to resolve a crisis. Ever since 1975, Hong Kong had provided asylum to more than 200,000 Vietnamese at a cost of over US\$ 1 billion, not including a further US\$ 150 million, which was still to be reimbursed through UNHCR, and other indirect expenditure. Since January 1998, Hong Kong had financed half of the operating costs of the camp run by UNHCR. The Government of the Special Administrative Region was endeavouring to reduce costs and improve the refugees' resettlement opportunities. Vietnamese refugees had the right to work and their children attended schools in Hong Kong. Given its population density and very strict immigration policy, Hong Kong could not grant permanent resident status to some 1,000 refugees who remained in its territory. In line with the Comprehensive Plan of Action, they should be resettled in third countries. The Hong Kong Government therefore renewed its appeal to third countries, particularly those which had subscribed to the Comprehensive Plan of Action, to examine the resettlement requests of the remaining Vietnamese refugees as flexibly and sympathetically as possible. Hong Kong was grateful to those countries which had accepted some of its Vietnamese refugees during the past year and to Japan, which had earmarked part of its 1997 contribution for the UNHCR programme in Hong Kong.

31. Mr. MORJANE (Tunisia) said that every country in the world regardless of geography was affected by the problem of refugees. Moreover, the various repercussions of population movements had a worldwide impact, whence the need for genuine solidarity in the international community. Notwithstanding the praiseworthy efforts of donor countries to support UNHCR operations and help asylum countries, international solidarity was not simply a matter of financial contributions. Solidarity should be apparent in all aspects and at all stages of the refugee problem, thus making a more comprehensive and finely tuned approach necessary. In that connection, it should not be forgotten that donor countries, which were generally the most influential in terms of global decision-making, had a special role to play in prevention issues.

32. Burden-sharing was a key element in humanitarian action because it was unrealistic to believe that certain countries of the South could escape their economic marginalization when they had had to cope with mass influxes of refugees. At issue was the credibility and even the viability of the new

system which the international community was endeavouring to establish. That was why, at a more general level, Tunisia regarded solidarity as a strategic national, regional and international objective. At the national level, even when the issue did not involve refugees, a national solidarity fund had been set up to improve the living conditions of vulnerable populations and a national solidarity bank had been founded to finance microprojects. Regionally, Tunisia had become involved in humanitarian and peacekeeping operations in Africa. Furthermore, assisted by WHO, it had recently established a Mediterranean centre to combat vulnerability. His Government hoped that cooperation could be established with other international organizations, including UNHCR, in order to respond to emergencies. Finally, at the international level, Tunisia had taken part in various humanitarian operations.

33. His Government reiterated its support for UNHCR operations throughout the world and especially in Africa, which set great store by international solidarity.

34. Ms. FAHLÉN (Sweden), associating her delegation with the statement made by the representative of Austria on behalf of the European Union, said that international solidarity depended on States both individually and collectively being committed to universally agreed norms, not just in general terms, but through concrete policy actions. In the context of refugees, the most important factors were the right to asylum, the principle of non-refoulement and voluntary repatriation in conditions of safety and dignity.

35. An examination of the various burden-sharing arrangements implemented to date had indicated the need for a creative, pragmatic and flexible approach. As demonstrated by the Concerted Plan of Action resulting from the International Conference on Refugees in Central America (CIREFCA), a successful combination of burden-sharing and international solidarity required national as well as regional commitment. CIREFCA had also facilitated discussion of the interdependent aspects of peace and security, humanitarian concerns, the establishment of the rule of law and development in the aftermath of violent conflict.

36. In order for a comprehensive approach to materialize, a commonly agreed diagnosis of the issues raised by mass influxes of refugees in poor countries was necessary. It was hoped that increased cooperation between United Nations bodies working in the humanitarian, human rights, political and development fields would favour the implementation of integrated solutions. UNHCR should encourage States to establish regional arrangements that guaranteed observance of international standards. Together with other relevant international organizations, it should promote regional cooperation on refugee migrations. Preference should also be given to cross-regional and subregional cooperation.

37. Closer attention should be paid to security and her delegation welcomed the Secretary-General's proposal for a mechanism to ensure the safety and physical integrity of refugees. The time had come to identify specific measures in that area and to place the necessary resources at UNHCR's disposal to improve security in developing countries which hosted refugees. It was to be hoped that a reformed UNHCR budget structure would contribute, inter alia, to more equitable burden-sharing. With reference to international aid that

had been made available in Kosovo, for example, European Governments should not only show solidarity with the victims of the conflict, but should also show solidarity in sharing the responsibility for refugee protection. Burden-sharing mechanisms must be tailored to each individual case.

38. Mr. DE PELICHY (Belgium), associating his delegation with the statement made by the representative of Austria on behalf of the European Union, said that burden-sharing in respect of refugees should be comprehensive and coordinated. In a multilateral approach of that kind, UNHCR played a pivotal role which required and deserved the political and financial support of the international community in order to be effective. International solidarity should be demonstrated at all stages of a crisis without rigid burden-sharing arrangements, since each case required a specific approach. Neighbouring countries were the most affected by the problem of refugees and were entitled to the unfailing support of the international community. They were the ones best placed to implement institutional solidarity arrangements. The international community should be responsible for providing neighbouring countries with assistance at all stages throughout a crisis.

39. Humanitarian action could not be truly effective unless it was accompanied by political measures designed to settle conflicts. In that regard, Belgium was continuing to play a role in preventing the spread of anti-personnel mines and the proliferation of and illegal trafficking in small arms. His Government also supported UNHCR's efforts to devise international stand-by agreements to identify solutions to refugee problems which posed security risks.

40. The Belgian Government had announced a broadening and deepening of its voluntary return programme, which made special provision for financial support for resettlement in the country of origin. Following the tragic death of an asylum-seeker whose request for asylum had been refused, Belgium had suspended forced repatriation operations and taken a series of measures to ensure that the expulsion of rejected asylum-seekers was carried out in a more dignified and humane manner. For the first time, the Belgian Government had explicitly stated that all asylum-seekers would be evaluated not only according to the criteria laid down by the 1951 Convention, but also on the basis of article 3 of the European Convention on Human Rights, which prohibited inhuman and degrading punishments. Lastly, in the international field, Belgium was also involved in raising public awareness of the various forms of ill-treatment suffered by women simply because they were women.

41. Mr. BESANCENOT (France), associating his delegation with the statement made by the representative of Austria on behalf of the European Union, paid tribute to UNHCR personnel throughout the world, who worked in often very difficult conditions and sometimes at the risk of their own safety, as illustrated by the case of Vincent Cochetel, who had been detained in North Ossetia for over eight months.

42. A clear link existed between respect for human rights and asylum, because the violation of fundamental human rights lay at the root of the massive migrations that had occurred in several areas of the world and of the various forms of individual persecution. Initiatives to counteract restrictions on human rights and to safeguard the rights of refugees and

asylum-seekers should be as closely coordinated as possible in order to ensure maximum effectiveness. France welcomed such efforts within the various organs of the United Nations, particularly UNHCR. It was also vital that all host countries for asylum-seekers and refugees should ensure the protection of human rights.

43. The theme for debate at the current session was complex and should be studied in all its aspects. Some countries shouldered a heavy burden with inadequate economic resources and their generosity should be recognized, but international solidarity was not simply a matter of mere numerical or financial burden-sharing, which was anyway impossible to implement at the international level. It was essential to take national and regional responsibilities into consideration. International solidarity should be viewed in terms of a comprehensive approach to refugee protection that took account of all stages in the process, from reception all the way through to repatriation (when conditions allowed) and in strict accordance with the 1951 Convention and the 1967 Protocol. The international community could thus lend its support at various levels and in different ways, including the area of protection. Cooperation with UNHCR was of fundamental importance and should be stepped up, thereby facilitating a more efficacious approach to international solidarity in all its aspects.

44. In order to underline the importance and unique character of the right of asylum, in the past year France had adopted new legislation with the dual purpose of eliminating any procedural irregularities that might arise and better protecting genuine victims of persecution. The law of 11 May 1998 adopted by the French Parliament made provision for two new forms of asylum. First, "constitutional" asylum, which henceforth made it possible to grant refugee status to persons who had been persecuted for actions intended to promote freedom, even if such persecution had not been State-instigated. Secondly, the force of law had been given to a procedure which had already existed, but which had not been incorporated into internal French law, namely, territorial asylum granted to an alien who risked being subjected to inhuman or degrading treatment or whose personal safety would be in serious danger if he were to be refused entry to France. Within the framework of the new legislation, the French Government had also wished to make greater allowance for the positive consequences of certain countries becoming stable democracies. Henceforth, applications for asylum lodged by nationals from countries covered by the cessation clause referred to in article 1, section C (5), of the 1951 Convention would be examined on a priority basis since it was important not to overburden the relevant structures with groundless applications.

45. Mr. ZISWILER (Switzerland) said that the UNHCR working document devoted to the annual theme was a good starting point for discussion. At a time of globalization, the most acute problems resulting from mass influxes of refugees affected the international community as a whole, even though the most affected were the first asylum countries. Their generous hospitality, which was often offered at the cost of human, social, economic and environmental disequilibrium, should be acknowledged. International solidarity and burden-sharing should not be restricted to periods of crisis; they needed to be applied continuously from the prevention phase, through the protection and assistance phase, right up to the rehabilitation phase. It was through the

efforts of UNHCR and the funding of its programmes, and also through bilateral initiatives, that international cooperation designed to provide relief to host countries was crystallized. The ratification of the 1951 Convention by the majority of States and its de facto implementation would mean that the burden could be shared as fairly as possible.

46. With reference to burden-sharing, refugees should be hosted on a primarily regional basis; such an approach should be complemented by a gesture of solidarity on the part of the richer countries through programmes run by UNHCR and other humanitarian actors. The wider concept of burden-sharing should include the responsibility of countries of origin to head off conflicts and internal tensions which could precipitate refugee flows. In post-conflict situations it was also necessary to create a favourable political climate, particularly in the field of human rights, enabling refugees to return in conditions of safety and dignity. In the aftermath of conflicts, burden-sharing should concern not only humanitarian and development actors, but all actors involved in political stabilization efforts. Switzerland believed that the efficient management of the post-conflict phase was an equally essential ingredient in the prevention of future crises.

47. Like other States, Switzerland was endeavouring to make its contribution to burden-sharing and international solidarity, for example, by supporting UNHCR programmes and accepting large numbers of refugees and asylum-seekers. As a ratio of the total population of the country, the net increase in the number of asylum-seekers entering Switzerland was by far the largest in Western Europe. In 1999, Switzerland would allocate \$1 billion to hosting refugees and asylum-seekers.

48. The Swiss Government was concerned by the ever worsening situation in Kosovo, as evidenced by the arrival in Swiss territory of a large number of people fleeing that conflict. In an attempt to meet that major challenge, his Government had proposed that an international conference should be held in the near future on the topic of protecting refugees from Kosovo in the wake of the events of recent months. With the support of UNHCR, the conference should examine the protection instruments available to the States concerned, analyse the appropriateness of those instruments to respond to a dynamic and unpredictable situation and suggest measures to harmonize protection arrangements between neighbouring States and host countries, in addition to discussing international solidarity. Through extended consultation, such a conference would enable appropriate solutions to be identified.

49. Ms. JAHAN (Bangladesh) said that at their recent meeting, the leaders of the Movement of Non-Aligned Countries had stressed the need for international burden-sharing in refugee crises. They had also noted that developing countries hosted large numbers of refugees and displaced persons, and therefore required intensified financial and moral support. At the same time the principles of neutrality, non-conditionality and non-interference should be observed. The Executive Committee had long recognized that international solidarity and burden-sharing were key elements of refugee protection and the resolution of refugee problems. It had to be asked whether the international community had assumed that responsibility adequately. It was right that civilized societies should accept refugees and provide for them until they were able to return home in safety and dignity. The problem was bound up with

human rights because refugee flows were occasioned either by serious human rights violations or the absence of human rights in the political, economic and social fields. Receiving countries should ensure that refugees were guaranteed the basic right to life and security and, when prospects for their safe return seemed remote, they had an added responsibility to provide the right to education, employment and social amenities.

50. Despite numerous constraints, Bangladesh had itself received an influx of some 250,000 refugees from Myanmar in late 1991 and early 1992. It had been possible to resolve the issue almost entirely through bilateral negotiations with the Government of Myanmar. Voluntary repatriation operations had been conducted with the active participation of UNHCR and negotiations were continuing with a view to repatriating some 21,000 refugees from Myanmar who remained in Bangladesh. Political and administrative impediments had largely been overcome and her Government hoped that the funding constraints of UNHCR would not affect the completion of the repatriation process.

51. If in the future certain developing countries might seem to be reluctant to welcome asylum-seekers, it would simply be because they did not have the means to shoulder such a burden, particularly when repatriation prospects seemed remote. The situation was all the more alarming if account was taken of the steep decline in financial contributions to humanitarian bodies and agencies which had resulted in a significant downsizing of humanitarian operations. In order to enable UNHCR to meet growing demands for assistance, it would have to be provided with regular and adequate financial resources. The international community, including donor countries and international financial institutions, required further sensitization with regard to the severe pressures placed on the developing countries which hosted refugees. Their reaction should not be influenced by the level of media coverage of a particular crisis, but, rather, by the genuine needs and complexity of the situation. Their response should be extended to the long-term social, economic, environmental and other impacts on receiving countries in order to promote greater and more effective international burden-sharing. Where applicable, third-country resettlement must come within the ambit of international burden-sharing.

52. While the granting of asylum was governed by the principle of non-refoulement, there was no such definite principle for burden-sharing. Asylum was therefore considered obligatory while burden-sharing was not. In addition to economic costs, refugee hosting countries also had to bear certain social and economic costs which were not factored into burden-sharing accounting. The increasing tendency to use restrictive asylum policies, arbitrary detention and forcible returns had simply added to the refugee crisis. International cooperation should be solidly based on protection principles; protection challenges had to be addressed in all sincerity in order to draw up meaningful burden-sharing arrangements.

53. Mr. GOAGOSEB (Namibia) said that the theme of international solidarity and burden-sharing in all its aspects could not have come at a better time in the history of UNHCR. The worldwide refugee crisis had assumed alarming proportions and the number of people of concern to UNHCR had mushroomed. No sooner had a crisis been resolved in one part of the world than another

developed somewhere else; the question arose whether real international solidarity actually existed. Hosting refugees had economic and social consequences and the impact of refugee influxes was particularly stressful for developing countries whose meagre resources were insufficient to sustain their own populations. Despite their fragile economies and weak resource base, many African countries, true to African hospitality, had hosted thousands of refugees and should therefore be helped in their efforts to cope with the refugee burden.

54. Peace and stability had prevailed in the Southern African Development Community (SADC) except in Angola, where the situation had steadily deteriorated. His Government hoped that the international community would seek to resolve the problems connected with the smooth implementation of the Lusaka Protocol signed in 1994 by the Angolan Government and the National Union for the Total Independence of Angola (UNITA) and that Security Council resolution 1127 (1997) would be implemented in full.

55. Since independence in 1990, Namibia had hosted refugees from all over Africa and had shouldered its share of the burden since most of those refugees came from countries far beyond its borders. In its treatment of the refugees, Namibia was adhering to the guidelines set forth in the 1951 Convention, the 1967 Protocol and the provisions of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The countries in the SADC region had examined the issue of burden-sharing within the framework of various regional forums, even though some outstanding issues needed to be ironed out. His Government had acceded to all the instruments pertaining to refugees; the refugee recognition and control bill, which would soon be referred to the Namibian National Assembly, was a further indication of Namibia's commitment to assist refugees. However, past experience had taught the lesson that an open-door policy ran the risk of attracting asylum-seekers from distant parts of Africa and the issue needed to be viewed from the standpoint of the country of first asylum.

The meeting rose at 12.55 p.m.