



General Assembly

Fifty-sixth session

Official Records

Distr.: General
16 December 2002
English
Original: Spanish

Third Committee

Summary record of the 43rd meeting

Held at Headquarters, New York, on Monday, 19 November 2001, at 10 a.m.

Chairman: Mr. Al-Hinai (Oman)

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The meeting was called to order at 10.20 a.m.

Agenda item 114: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (A/56/3, A/56/12 and Add.1, A/56/128, A/56/333, A/56/335)

1. **Mr. Lubbers** (United Nations High Commissioner for Refugees) said that, in view of the events of 11 September, concerted action and the appropriate steps must be taken to rid the world of the scourge of terrorism. There should be no impunity in that regard. However, in the current climate of anxiety over national and individual security, innocent people — refugees and asylum-seekers — might be unfairly victimized. As High Commissioner for Refugees, he was concerned by the fate of some 22 million people who had suffered and continued to suffer as a result of persecution, conflict and human rights abuses. The majority of those people remained uprooted, with no immediate prospects of returning to their homes.

2. In the climate of insecurity, many people were concerned about the presence of so-called “foreigners”. For years, refugees and asylum-seekers had been the objects of considerable mistrust and hostility in many countries and, were currently particularly vulnerable. Following the recent terrorist attacks, people of Muslim origin had been subjected to a wave of discriminatory assaults and provocations. In view of such a disturbing development, the fight against xenophobia and intolerance must continue, in order to avoid a clash of cultures that threatened to destroy the fabric of increasingly multi-ethnic and multicultural societies. The war against terrorism must not become a war against Afghans or Muslims. Above all, it should not deteriorate into a war against “foreigners”, minority groups, refugees and asylum-seekers.

3. The Office of the United Nations High Commissioner for Refugees (UNHCR) fully endorsed the safeguards being introduced by Governments to prevent terrorists from gaining admission to their territory through asylum channels. At the same time, Governments and politicians should avoid falling into the trap of making unwarranted linkages between refugees and terrorism. Genuine refugees were the victims of terrorism and persecution, not the perpetrators.

4. He had a responsibility to ensure that the basic principles of refugee protection continued to be respected, and that the global fight against terrorism did not weaken the international refugee protection regime. Refugees and asylum-seekers must not be discriminated against on the assumption that their religion, ethnicity, national origin or political affiliation linked them to terrorism. Governments should avoid resorting to the arbitrary detention of asylum-seekers, and to procedures that failed to comply with the standards of due process. Detention of asylum-seekers should remain the exception rather than the rule. Resettlement programmes should be maintained, and should not discriminate against people of particular ethnic groups or nationalities.

5. States must continue to respect their obligations under the terms of the 1951 Convention relating to the Status of Refugees. In particular, the Convention must not be misrepresented as an instrument providing a safe haven for terrorists. When properly applied, it did not offer a safe haven to criminals, nor did it extend any immunity from prosecution to those engaged in terrorist activities. On the contrary, it was designed to exclude persons who had committed serious crimes. That principle was echoed in Security Council resolution 1373 (2001) of 28 September 2001, which called on States to work together to prevent and suppress terrorist acts. The challenge was to ensure resolute implementation of existing provisions of the Convention. Ways must be found to ensure that the perpetrators, organizers and sponsors of terrorist crimes seeking to abuse the asylum channel were identified and dealt with promptly.

6. With the rapid demise of the Taliban regime, there were new opportunities for restoring peace and stability in Afghanistan, and UNHCR was ready to work with the Special Representative of the Secretary-General to that end. The opportunity to rebuild Afghanistan after 22 years of conflict must be seized, by facilitating reconciliation efforts and ensuring the rehabilitation of the country. In that regard, it was essential to take into consideration not only the needs of refugees and displaced persons, but also the positive contributions that returnees could make to development.

7. Even before 11 September, Afghans had constituted the largest refugee population in the world, with over 3.5 million in Pakistan and the Islamic Republic of Iran alone, and many more spread out over

some 70 countries. It was important to create the necessary conditions for those refugees, as well as those from neighbouring countries and the diaspora, to return home if they so desired. It would not be the first large-scale return of refugees to Afghanistan. Since 1988 UNHCR, together with its partners, had facilitated the return of over 4.5 million refugees. However, the obstacles to return should not be underestimated: the homes of many refugees had been destroyed and the land on which they had lived and worked was littered with landmines. Much of the infrastructure, and most of the irrigation systems, roads, schools and hospitals had also been destroyed. Rebuilding the country would be a daunting task, but the international community must not turn its back on the Afghan people. Durable solutions must be found for the millions of refugees and internally displaced Afghans, because to invest in them was to invest in the future peace and stability of the region.

8. Owing to security issues and the large number of refugees already in their countries, Pakistan and the Islamic Republic of Iran had maintained their borders officially closed. While he appreciated their concerns, he believed it was possible to devise an approach that minimized the security risks while enabling those countries to remain true to their longstanding and praiseworthy tradition of offering refuge to the endangered and oppressed. He would therefore, continue to call on all neighbouring countries to provide temporary protection to Afghans who had no other choice but to flee across borders to find safety.

9. His Office would maintain a two-pronged approach in the region, focusing both on assistance inside Afghanistan and on the needs of refugees in neighbouring countries. It would continue to assist the host Governments in meeting the needs of the large refugee populations that had already been present before the recent crisis, as well as those who had managed to enter their territories through unofficial border crossings. UNHCR would also work actively to facilitate the voluntary repatriation of refugees, ensuring that it took place with safety and dignity.

10. Although UNHCR had never closed its offices in Afghanistan, it had evacuated its international staff in September for security reasons. When its staff, including female staff, had returned, they had discovered that many of its warehouses had been looted. Security in Afghanistan must be improved to

ensure effective humanitarian assistance and initiate the process of voluntary repatriation.

11. His Office would reinforce its participation in the inter-agency effort led by the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan to assist 500,000 internally displaced persons and returnees, together with the local community. In doing so, it would build on its bond with the Afghan people, on its precious local staff, and on its links with numerous Afghan non-governmental organizations which had assisted in implementing projects for returnees.

12. Africa continued to require the greatest share of UNHCR resources. The situation in the Great Lakes region was of particular concern. The breakdown in the Inter-Congolese Dialogue and the failure to implement the Lusaka Ceasefire Agreement had dampened hopes for the return of refugees to their homes. Ongoing fighting between the Government of Angola and UNITA forces continued to produce new waves of refugees and internally displaced persons. In Burundi, the recent inauguration of a new power-sharing transitional Government was a welcome development but, in the absence of a ceasefire, the situation remained volatile and a failure of the new political arrangement could lead to further conflict. There were already 600,000 internally displaced persons, and another 600,000 Burundians were refugees in various countries in East, Central and Southern Africa.

13. In West Africa, UNHCR had facilitated the voluntary return of Sierra Leonean refugees in Guinea, but that country continued to host a large population of Sierra Leonean and Liberian refugees. While progress had been made in ensuring the civilian character of refugee camps, UNHCR staff continued to monitor closely the presence of armed elements on the ground. He was encouraged by the continuing demilitarization and demobilization of Sierra Leone.

14. Efforts to protect refugees were of limited value without durable solutions such as voluntary repatriation, local integration and resettlement. The mission of UNHCR should focus not only on protection, but on solutions too. Too many refugees had been languishing in camps for too long, and that situation must be corrected. The repatriation of Eritrean refugees from the Sudan was an example of what could be achieved. Since the beginning of 2001, approximately 21,000 people had returned to Eritrea,

some of whom had been in camps since the 1960s and 1970s. Over the same period, around 44,000 refugees had also returned from Ethiopia to Somalia.

15. The New Partnership for Africa's Development, adopted by African Heads of State in Abuja on 23 October, was an important and timely initiative. As President Obasanjo of Nigeria had stated, African leaders had launched their own initiative in order to be the principal architects of their own future and put the continent back on the path of peace, political stability, economic prosperity and sustainable development.

16. Another region of particular concern to UNHCR was the Balkans. In the former Yugoslav Republic of Macedonia, UNHCR continued to work alongside European monitors and the North Atlantic Treaty Organization in conflict-affected areas to help build confidence between communities. Though almost half of the 170,000 people displaced earlier in the year had returned to their homes, the recent violence near Tetovo had caused hundreds of villagers to flee their homes. Unless significant progress was made in implementing the peace agreement of 13 August, particularly concerning the amnesty, which must include deserters and draft evaders, there was a serious risk of further population displacement.

17. The new Government of Yugoslavia had committed itself to addressing the displacement problem in a constructive manner, and had taken steps to facilitate the local integration of refugees. In southern Serbia, together with the Serbian Government, it had taken a proactive approach in facilitating the return of thousands of displaced persons. Thanks to the Stability Pact Initiative, many of the obstacles preventing the return of refugees to Croatia and Bosnia and Herzegovina would be overcome.

18. In Kosovo, the continued displacement and isolation of hundreds of thousands of Serbs, Roma and other minority groups remained a serious concern. Nevertheless, there had been some progress, such as the first return of Serbs to Kosovo, facilitated by UNHCR, in September, after more than two years of displacement. While the number of returnees remained limited, the event itself was highly significant.

19. In Bosnia and Herzegovina, six years after the signing of the Dayton Peace Agreement, the return of minorities had become a reality. Implementation of the Property Law had led to almost 90,000 repossessions. Security was improving and people had almost total

freedom of movement around the country. His Office would continue to facilitate the return of all those who decided to go back to their places of origin. He called on Member States to make the required additional reconstruction assistance available.

20. Since 1999, some 190,000 refugees had returned to East Timor. UNHCR had decided to postpone its planned phase-down of activities and to establish three mobile teams in East Timor. The Government of Indonesia had recently demonstrated an increased commitment to resolving the refugee situation in West Timor. The number of refugees remaining had fallen to around 75,000 and it was hoped that the majority would return over the coming months.

21. Without doubt, long-term durable solutions were the best investment that could be made to secure peace and stability. Adequate funding and strong and effective partnerships were crucial for UNHCR to fulfil its mission, which included providing assistance to the most vulnerable. It was essential to guarantee respect for refugees and to find ways of empowering them and, above all, to acknowledge the important role of women. Despite the obvious links between poverty, conflict and forced displacement, a common mistake was that most development assistance excluded refugees. Refugees were not simply the beneficiaries of humanitarian aid, but were also potential contributors to development, both in their countries of asylum and on their return home. Therefore the relationship between refugees and development must be reconsidered. He called on donors to earmark part of their development assistance funds for the inter-related issues of refugees, internally displaced persons and affected local populations.

22. Another major concern was the growing phenomenon of human trafficking and smuggling. Owing to the closure of regular arrival routes, many refugees turned to smugglers and other migrants portrayed themselves as refugees to overcome immigration barriers. Consequently, refugees were often stigmatized in the eyes of the public as criminals.

23. To mark the fiftieth anniversary of the Convention relating to the Status of Refugees, UNHCR had launched the Global Consultations on International Protection with a view to promoting the full and effective implementation of the Convention and developing complementary new approaches, tools and standards to ensure international protection and find

durable solutions based on fair burden-sharing. Solutions based on law must be found to replace the law of the jungle. The 1951 Convention, together with its 1967 Protocol, remained the foundation of the international refugee protection regime. He encouraged States that had not yet done so to join the 141 States that had already ratified either the Convention or its Protocol, and renewed the offer of UNHCR to support States Parties in their full and inclusive implementation of those international instruments.

24. He urged all Governments to make use of the UNHCR Annual Pledging Conference, scheduled to take place in Geneva, in order to announce their contributions to the 2002 programme budget.

25. **Mr. Andravi** (Pakistan), noting the appeal made by the High Commissioner to the international community not to associate refugees with terrorism, said that, in Pakistan's experience as a host country to one of the largest refugee populations, the first wave of refugees that had followed the Soviet occupation of Afghanistan had brought with it a number of agents belonging to Khad, the Afghan secret services. Once they had arrived, they had launched a campaign of urban terrorism during the 1980s and 1990s, of which his country still had bitter memories. His delegation believed that countries should carry out background checks on all refugees in order to grant entry to genuine refugees only. He doubted the wisdom of forcing host countries to open their borders, and would be interested to learn the views of the High Commissioner on that issue.

26. UNHCR also acted as a bridge between host countries and the donor community, and he expressed the enormous gratitude of his Government for the assistance it had received from UNHCR in dealing with the huge refugee population. However, the total budget allocated by UNHCR to Pakistan in 2001 was \$18 million, which amounted to the meagre sum of \$8 per refugee annually. That was not enough to help Pakistan meet the needs of its refugee population. By way of comparison, the amount allocated by UNHCR to operations in Eastern and South-Eastern Europe was \$181 million. Moreover, host countries had been excluded from the process of determining the resources necessary to accommodate refugees. In his view, there should be a change in budgetary policy and a more participatory process to enable host countries to express their point of view in meetings concerning the

mobilization of resources. He asked for the views of the High Commissioner in that regard.

27. **Mr. Payot** (Belgium), speaking on behalf of the European Union, said that, according to the UNHCR report, 10 million (or 45 per cent) of the refugees and other persons covered by its mandate were children and minors under the age of 18. The European Union welcomed the fact that UNHCR had continued to give priority to child refugees and would like more detailed information concerning cooperation between UNHCR and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

28. The situation of Afghan refugees was a matter of great concern for the international community and he would like to know whether there had been any improvement, particularly along the border between the Islamic Republic of Iran and Pakistan, since the events of the past few days. As the High Commissioner was aware, the European Union attached great importance to the security of humanitarian personnel and of United Nations staff in general. While it was encouraging that UNHCR staff had been asked to resume their activities in Afghanistan, he asked when the High Commissioner expected the necessary conditions to be in place to allow international staff to return to Afghanistan.

29. The first meeting of States Parties to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol was scheduled for 12 and 13 December in Geneva. He would like to know the main expectations of the High Commissioner with regard to the Ministerial Meeting. Lastly, he would be interested to learn more about the financial situation of UNHCR in 2002 and the coming years.

30. **Mr. Lubbers** (United Nations High Commissioner for Refugees), replying to the representative of Pakistan, said that UNHCR had shared the bitter experience he had referred to. There was always a danger of armed elements mixing with refugees during the first wave of refugees. UNHCR believed that it was possible to carry out exhaustive background checks on refugees and, in accordance with the 1951 Convention, separate those who were entitled to protection from those who were not. Many Governments had used that approach. In the case of Afghanistan, where there was a significant problem, identity checks could be carried out in order to prevent illicit border crossings. In reply to the second observation made by the representative of Pakistan, he

said there must have been some misunderstanding, since UNHCR did not advocate the indiscriminate opening of borders but, on the contrary, recommended a selection process. He was pleased to note that when Pakistan had announced that it was taking steps to apply a closed-border policy, it had stated that a limited number of refugees would be admitted to camps, where they would receive care and protection. He informed the Committee that the Government of Pakistan had invited UNHCR to visit 30 camps in which a total of 300,000 people were living. That was a much smaller figure than the millions of refugees who might have entered the country as a result of an open-border policy.

31. In reply to the question by the representative of Pakistan concerning the budget, regrettably, it was true that, in the past, the international community had not shared the burden of assisting refugees from Afghanistan. UNHCR had already discussed with the President of Pakistan the possibility of rectifying that situation. Nevertheless, the figures that the representative of Pakistan had mentioned did not include previous allocations, nor those currently planned by UNHCR. A further allocation of \$50 million had already been budgeted, with a view to reducing the inflow of refugees and providing assistance to returnees and internally displaced persons. He fully agreed with the representative of Pakistan that the burden of refugee arrivals must be shared more evenly. He sincerely hoped that a swift improvement of the security situation in Afghanistan would make it possible to begin a repatriation process, with the active participation of the international community.

32. Replying to the representative of Belgium, he said that UNHCR was determined that its staff should return to Afghanistan, and offered sincere thanks to the local staff who had remained in the country. With regard to the security problem, the United Nations system had decided to delegate to field staff the responsibility for the difficult decision concerning what practical steps should be taken. That did not mean that the Security Coordinator no longer had control over the situation but rather that he should intervene at a secondary stage. In such a volatile situation, the initial assessment should be made on the ground.

33. UNHCR was, in budgetary terms, barely keeping its head above water. While it had obtained a relatively positive response to its appeal on behalf of

Afghanistan, fewer contributions had been made to other regions, such as Africa. The European Union and the European Commission had a particular responsibility in that regard. While both of those bodies maintained excellent working relations with UNHCR, their financial contribution had been inadequate. In fact, that was a general problem throughout the international community, which should bear in mind the importance of UNHCR in combating violence and promoting respect for international law, for otherwise the law of the jungle would prevail.

34. **Ms. El-Hajjaji** (Libyan Arab Jamahiriya) said that her country and the international community were aware of the difficulties UNHCR was facing when working in politicized and militarized environments, where violence was the norm and children were kidnapped as army recruits, exposing them, like women, to sexual exploitation and other violations of human rights and international humanitarian law.

35. Her delegation was very pleased that the High Commissioner had appointed someone to oversee relations between his Office and the Organization of the Islamic Conference.

36. Her delegation agreed with the High Commissioner that the productive capacity of refugees should be studied. Rather than being simply beneficiaries of humanitarian aid, they could contribute to the development of their own countries and their host countries. She also concurred in condemning politicians who took advantage of the current economic situation to adopt measures against refugees and asylum-seekers.

37. Her delegation, which basically shared the Office's interest in issues such as the most vulnerable refugees (women, children and adolescents), environmental consequences of refugee flows, older refugees and protection of refugees against HIV/AIDS, suggested that in his report the High Commissioner should indicate the relative importance attached to them.

38. Since, as noted by the High Commissioner, his Office was barely surviving with minimal resources, she asked what the Office had done to put a stop to instances of corruption and abuse of power in connection with its investigation of presumed or reported violations involving UNHCR staff or funds, such as the recent cases of bribery that had occurred in some of its offices.

39. Recalling that at the latest meeting of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, delegations had remarked that some offices allocated two thirds of their budget to administrative and organizational costs, she wondered if that was not one of the reasons for the Office's financial difficulties.

40. **Mr. Alfeld** (South Africa), endorsing the statement made by Mozambique on behalf of the Southern African Development Community (SADC), commended the High Commissioner for the leadership he had shown since assuming office and thanked him for his thought-provoking comments on the potential impact that the resolute attempts being made to address the scourge of terrorism could have on the institution of asylum.

41. His delegation would appreciate more information on the productive potential of refugees, which did not fit the usual perception of them as nothing but a burden, and on the inclusion of programmes for refugees and returnees in development-funding mechanisms and initiatives. It would also like to have his suggestions about how to push that agenda and how States could help.

42. With regard to Africa, his delegation appreciated the High Commissioner's endorsement of the New Partnership for Africa's Development and urged his Office to help implement it where appropriate.

43. The High Commissioner had responded very well to the questions put to him at the beginning of the meeting regarding the need for parity in funding between regions. South Africa looked forward to continuing its active and constructive participation in the Global Consultations on International Protection, and it was planning to send a delegation to the forthcoming first Ministerial Meeting of States Parties to the 1951 convention relating to the Status of Refugees.

44. **Mr. Lubbers** (United Nations High Commissioner for Refugees), replying to the question of the Libyan representative, said that there were a number of ways to approach the problem of refugees and displaced persons. First, the impact on women and children had to be considered, because they constituted the bulk of the victims and their prospects were poor. The probability was high that the sons would become child soldiers and the daughters prostitutes. It was an atrocious situation involving such a degree of misery

and victimization that it alone would justify the existence of his Office and all the support that Member States could give.

45. As to the productive capacity of refugees, it should be noted that when they found themselves in difficult situations, women had a decisive way of finding solutions and joining in the broad preventive efforts to lessen the danger of further refugee flows, and in the work of reconstruction. Specifically, in the context of the new political outlook for Afghanistan, women had to play a basic role in two ways: first, as mothers of child victims and, secondly, as people with enormous individual and collective potential for accomplishing positive things.

46. Concerning the question of the Libyan delegation about the sensitive but important issue of investigations of instances of abuse and even corruption, he had decided to reinforce the Office of the Inspector-General and consider the possibility of expanding cooperation with the Office of Internal Oversight Services in New York and Geneva. Currently, UNHCR activities were subject to stricter inspection: the Office of the Inspector-General was well organized, with sufficient staff and with teams that covered the world, and it also had good working relations with the United Nations overseers, all of which enhanced the credibility of UNHCR.

47. In response to the South Africa delegation he said there were basically two ways of ensuring the sustainable return of refugees and taking advantage of their capabilities. One was broadly political, entailing the commitment of Governments to respect the refugees. What was needed was a new concept that did not mean simply tolerating the refugees but also understanding that they had the capacity to construct new lives. Accordingly, there had to be a much clearer expression of respect for the refugees. The second way was by sharing the burden, which meant not only providing funds but also giving the refugees the possibility of performing a positive function in society. Although other approaches were needed, the development-funding mechanism was already in place. All States must assume their responsibility in that regard, according to their possibilities and resources. That kind of assistance bore fruit only as one aspect of a stable solution. That was the only way to achieve peace and sustainable development.

48. **Ms. Monroy** (Mexico) said that her country had taken to heart the appeals made in various forums regarding the need to bridge the gap between principles and actions. She hoped that the declaration to be adopted at the Ministerial Meeting of States Parties to the 1951 Convention would pave the way for establishing proper guidelines for specific activities. Currently, Mexico was a member of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, and was reporting there on the experience it had had in adopting lasting solutions in respect of the Guatemalan refugees. Her delegation attached great importance to making progress both in developing policies and in achieving permanent solutions.

49. **Ms. Ahmed** (Sudan) said that help had to be given to the countries that gave shelter to great numbers of refugees living outside the refugee camps. She would like clarification on the new category of children separated from their parents, referred to in the report of the High Commissioner. Also she would like to know if there were any statistics relating to the developments in the Great Lakes region that had been discussed in the report.

50. **Mr. Lubbers** (United Nations High Commissioner for Refugees), said that the December Ministerial Meeting was part of the Global Consultations process, whose basic objectives were to reaffirm the 1951 Convention as the collective mechanism for giving effect to the responsibility assumed by sovereign States towards persons who did not receive protection from their own States and were fleeing violence and persecution; to consider ways of fulfilling that responsibility, an important aspect of which was the exchange of experiences in refugee assistance and protection; and to consider any new circumstances particular to the current situation. At the moment, mixed flows of economic migrants and refugees were creating special difficulties. Another problem was the increased number of crimes committed against refugees, and there was currently no satisfactory way of preventing crime rings from taking advantage of their situation. The declaration to be adopted at the Ministerial Meeting would take all those issues into account. Also, worldwide publicity would have to be given to the values underlying the work of UNHCR and to the need for effective burden-sharing.

51. Concerning the comments of the Sudanese delegation, not all refugees living outside refugee

camps had been registered by UNHCR or received assistance from it. That situation had to be studied country by country in order to determine where a UNHCR presence was required and where it was no longer needed.

52. He had no figures on unaccompanied refugee minors, but would provide them later. He regretted the possible confusion caused by the inconsistent use of terms in the report and said that ultimately it had been considered more appropriate to use the term "unaccompanied".

53. **Mr. Payot** (Belgium), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia and the European Free Trade Association countries members of the European Economic Area, said that the member States of the European Union and the European Commission were holding talks with UNHCR to estimate more accurately the funding it required to respond more adequately to needs on the ground. Currently, they were studying with UNHCR how to improve the procedures for ensuring more stable and predictable financing.

54. The European Union reaffirmed its commitment to the 1951 Convention as the basis for the international regime for the protection of refugees, and urged all States which had not done so to ratify the Convention and its 1967 Protocol as soon as possible. It also urged States that had entered reservations to the Convention, especially geographical restrictions, to reconsider their position in order to guarantee it universal scope for it was the cornerstone of any refugee policy. Given the current climate, it should be recalled that, if properly applied, the Convention did not afford protection to terrorists, because it excluded anyone who was a national security threat or who had committed a serious crime.

55. The European Union welcomed the ongoing Global Consultations on International Protection and recalled in that connection an objective asylum system could be maintained only by taking certain steps, among them fair and effective proceedings leading to the non-voluntary repatriation of people not requiring international protection. Such measures must, of course, respect human values. Some of the conclusions of the Global Consultations could be incorporated into

an “agenda for protection”, which the European Union was ready to help draw up.

56. The European Union was pleased that 800,000 refugees had been able to return to their countries of origin in 2001 thanks to the work of UNHCR. Voluntary repatriation was the best permanent solution, but that could happen only if conditions guaranteeing security and dignity were created. In that connection, it welcomed the UNHCR initiative to establish a legal framework for the protection of the rights and interests of refugees returning to their countries of origin.

57. The European Union, which had a particular interest in the situation of the Afghan refugees, appreciated the assistance given them by the host countries and hoped that they would persevere in their efforts. Also, it hoped that the situation would improve to the point that the Afghan refugees could return to their own country in conditions of security and dignity.

58. The European Union welcomed the fact that UNHCR was trying in its operational activities to take into account the contribution that could be made by refugee women and to aim generally at gender equality. Its policy on refugee women had to be updated.

59. The European Union also agreed that the care of refugee, displaced or repatriated children was a priority UNHCR objective. There must be absolutely no reduction in the funds allocated to programmes intended to meet the needs of the most vulnerable refugees, particularly women and children.

60. The European Union was pleased that UNHCR had expanded its cooperation with other United Nations agencies, funds and programmes so as to approach intersectoral problems in a coordinated and effective way.

61. Although the protection and the exercise of the rights of internally displaced persons were primarily the responsibility of the States involved, the European Union commended the work done by the United Nations to provide a coordinated response to the problems faced by the internally displaced, in particular by establishing a unit within the Office for the Coordination of Humanitarian Affairs. In addition, it endorsed the Guiding Principles on Internal Displacement and urged their widespread application.

62. Considering that the main obstacle to humanitarian activities was a lack of security, the European Union underscored the importance of

guaranteeing adequate protection to UNHCR personnel, and welcomed the fact that the Rome Statute of the International Criminal Court had made it a war crime to intentionally direct attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations. In that connection, it urged all States which had not yet done so to ratify the Rome Statute, and also the 1994 Convention on the Safety of United Nations and Associated Personnel.

63. It was likewise imperative to eliminate all the obstacles that, in the form of threats or the destruction of supplies and infrastructure, prevented UNHCR personnel from concentrating on their first priority: to help the needy. Consequently, the European Union once again urged all parties concerned to fulfil unconditionally their obligation to guarantee that international humanitarian law was observed in assistance work.

64. The European Union was in the process of adopting a common asylum and immigration policy creating a single asylum regime based on the full implementation of the 1951 Convention. The European Union was, accordingly, standardizing the procedures for the determination of refugee status and the reception procedures, and would be apportioning responsibilities equitably among its member States to allow for a more effective response to the global problems of the day such as temporary protection, mass exoduses or mixed refugee flows.

65. The previous month in Brussels, the European Union had held an international conference on migration, which had taken up the question of a policy that would cover the many facets of the whole migration and asylum issue, including prevention, forging alliances with the countries of origin, managing flows of migrants, economic migration, integration and employment. The conference had served to sharpen the focus of the debates that would take place at the European Council meeting to be held in Laeken in mid-December, where it was hoped to reach basic political agreement on adopting a European immigration strategy.

66. The 1951 Convention, properly implemented, did not shield terrorists, because it excluded persons who were possible national security threats or who had committed especially serious crimes. The anti-

terrorism struggle must not compromise the basic principles of asylum, especially non-devolution. The European Union and its member States maintained excellent relations with UNHCR under the terms of the Treaty of Amsterdam. It reaffirmed its commitment to assist and protect all who were suffering persecution and serious violations of their human rights.

67. **Mr. Dos Santos** (Mozambique), speaking on behalf of the member States of the Southern African Development Community (SADC), expressed concern over the large numbers of refugees in their region, noting that there had been a 7.8 per cent increase in the first half of 2001 as a result of the prevailing security situation in Angola and the Democratic Republic of the Congo. There were currently 1.3 million refugees and nearly 6 million internally displaced persons in SADC countries, representing almost 11 per cent of the worldwide refugee population and 16 per cent of the internally displaced. The gravity of the refugee problem in southern Africa was thrown into relief by the fact that the worldwide refugee population had decreased between 1999 and 2000.

68. The desperate situation of refugees, returnees and displaced persons in many parts of the world, and in the African countries in particular, required the urgent attention of the international community. SADC reiterated the appeal made by the Organization of African Unity (OAU) Council of Ministers at its 72nd Meeting, urging the international community to provide adequate support and assistance to refugees in Africa. The United Nations, through UNHCR, had a central role to play in mobilizing and coordinating much-needed resources to assist refugees, as well as in raising public awareness about the hardships to which refugees were subjected and the inordinate burden that fell on many countries. In that context, SADC welcomed the ongoing effort to further inter-agency cooperation so as to reduce the growing number of refugees in Africa. That could be achieved in part by sharing existing sectoral expertise, as proposed by the Secretary-General in his report on assistance to refugees, returnees and displaced persons in Africa (A/56/335). The countries of southern Africa had, over the years, experienced difficulties and challenges in hosting refugees, freedom fighters and exiles fleeing from the atrocities perpetrated by colonial and apartheid regimes.

69. Close cooperation had developed between UNHCR and SADC in the fields of refugee

movements, ways of addressing the root causes of forced population movements, conflict resolution, preventive diplomacy and peacemaking. In February 2001, SADC had held a regional symposium on the Global Consultations in Pretoria, which attested to its commitment to finding a lasting solution to the refugee problem.

70. At the recent SADC meeting in Gaborone, Botswana, with the UNHCR Regional Director for Southern Africa and with refugee commissioners, officials working on refugee matters and SADC government representatives, the Community had taken the opportunity to discuss the refugee situations in the member countries. It had reflected on the national achievements in management of the refugee regime, reaffirmed the commitment of the southern African countries to provide protection and asylum to persons fleeing conflicts or persecution, and underscored the need to harmonize the procedures for determination of refugee status and the national laws on the subject. It had been agreed that there should be more effective and better equipped structures to deal with day-to-day refugee needs, and that a distinction had to be drawn between refugee protection and migration control. In that regard, it had been considered useful to establish a refugee forum that would work closely with UNHCR to harmonize or formulate a Community position on refugee issues.

71. At the continental level, SADC welcomed the close cooperation between UNHCR and OAU, which had led to the establishment of a joint task force to follow-up on the implementation of the conclusions and recommendations of the Khartoum Declaration and of the Global Implementation Plan adopted at a special OAU/UNHCR meeting of government representatives and non-governmental technical experts, held in Conakry, Guinea, in March 2000.

72. In endeavouring to reduce the suffering of refugees, particular attention should be given to women and children. In that regard, SADC considered that the recent Security Council decision to put the issue of protection of children in armed conflict on its agenda was significant, and it looked forward to the outcome of the special session of the General Assembly on children. It applauded the entry into force of the Optional Protocol to the Convention on the Rights of the Child, and the adoption of policies and guidelines on gender issues by UNHCR and other United Nations agencies and of Security Council resolution 1335

(2000) calling for the active participation of women, including refugee women, in the peace process.

73. The high incidence of HIV/AIDS in refugee camps was a source of concern to the Community, since it had a devastating impact on the most vulnerable segments of the refugee population. It thus welcomed the Declaration of Commitment adopted at the special session of the General Assembly on HIV/AIDS held in June 2001, and hoped that the Global HIV/AIDS and Health Fund be used also to help refugees, particularly women and children.

74. SADC was seriously concerned about the critical financial situation faced by UNHCR, aggravated by a further reduction of the funds allocated to it in the proposed programme budget for the biennium 2002-2003. That decision would adversely affect UNHCR operations and increase the burden on host countries, and SADC therefore called upon the international community to ensure the availability of the financial resources needed to provide timely assistance to the refugees.

75. Lastly, SADC believed that finding a permanent solution to the refugee problem would contribute immensely to the sustainable development of the African continent. Capacity-building in countries of origin and countries of asylum could be very useful in alleviating the causes of refugee flows. The SADC countries hoped that the decisions taken at the Millennium Summit by the heads of State and Government would be upheld and would lead to concrete action.

76. **Mr. Tian Lixiao** (China) said that the Global Consultations on International Protection launched by UNHCR in response to the new world situation of refugees should take as a basis the 1951 Convention relating to the Status of Refugees and seek to strengthen the effectiveness of the international protection regime, focusing on how the principle of responsibility/burden sharing could be made more effective, how UNHCR and the asylum countries could obtain sufficient resources for refugee protection and how the economic and social burden on the developing host countries could be alleviated and their capacity strengthened. When formulating the Agenda for Protection on the basis of the Global Consultations, UNHCR should pay special attention to incorporating the outcomes of the third track and reflecting in a balanced way the demands and concerns of all parties.

77. His Government supported the convening of a ministerial meeting of the States parties to the 1951 Convention and was prepared to join in making a collective commitment to the full and effective implementation of the obligations contained in that Convention and in adapting it to the new situation. His Government also supported the High Commissioner's efforts to improve the work of the Office and felt that a distinction should be drawn between core and non-core activities. In setting priorities, UNHCR should take fully into account the difficulties of the developing host countries and the guiding principle of giving equal weight to protection and development. He hoped that the "UNHCR 2004" process proposed by the High Commissioner could effectively address the existing problems in the work of UNHCR.

78. His Government had always held that the refugee issue should be addressed by tackling its root causes. To eliminate the scourges of war, poverty and injustice, all countries should strictly abide by the purposes and principles of the Charter of the United Nations and the relevant norms of international law, and should respect each other's sovereignty and territorial integrity. The international community should help the developing host countries achieve development in line with the principle of responsibility/burden-sharing. The Governments of all the countries had the duty to implement the Durban Declaration and Programme of Action adopted by the World Conference against Racism, and to eliminate the root causes of the refugee problem together with racial discrimination against refugees and asylum-seekers.

79. Referring to the 11 September 2001 terrorist attacks, he strongly condemned terrorism and firmly supported the international community in its cooperative efforts against terrorism. Nevertheless, measures to combat terrorism should not be allowed to harm innocent civilians. In order to avoid a new humanitarian crisis, peace and stability should be restored as soon as possible in Afghanistan. His Government supported the efforts made by UNHCR, other United Nations agencies and humanitarian organizations to alleviate the humanitarian crises in Afghanistan and called for international solidarity and responsibility/burden-sharing so that the international community could provide more assistance to Afghan refugees and their major host countries, Pakistan and the Islamic Republic of Iran. In the light of the current

situation, his Government would continue to provide assistance to Afghan refugees to the best of its ability.

80. **Mr. Motomura** (Japan) said that, despite the renewed spirit of commitment on the part of UNHCR 50 years after the adoption of the 1951 Convention relating to the Status of Refugees, the problems of refugees were being exacerbated throughout the world by recent conflicts and crises and by the growing exploitation of both asylum-seekers and illegal immigrants by traffickers and smugglers. To face those challenges, it was more necessary than ever for UNHCR and the international community to engage in creative thinking.

81. In the case of Afghanistan, he supported the efforts of UNHCR to persuade the neighbouring countries to open their borders on the basis of the principle of non-refoulement, although he recognized their grave concerns about security and the burden of hosting even more refugees. Greater flexibility was needed in order to provide effective assistance. He therefore welcomed the recent decision by UNHCR to put more emphasis on operations inside Afghanistan, where people were in need of immediate aid, and the decision of countries such as Pakistan and the Islamic Republic of Iran to accommodate vulnerable and desperate displaced persons by providing for their safety and basic needs.

82. To facilitate such efforts by UNHCR and the countries bordering on Afghanistan, his Government had already pledged up to \$120 million in response to the United Nations donor alert and had provided \$16 million in bilateral assistance to Pakistan and \$2 million to Tajikistan. It would continue to consider the possibility of assistance to other neighbouring countries as well, depending on the further development of the situation, and it reminded the international community of the need to give special attention to post-conflict rehabilitation and reconstruction pursuant to Security Council resolution 1378 (2001).

83. The necessary conditions must be created for peace and the coexistence of refugees from different ethnic groups inside Afghanistan once they had returned, in order to make large-scale repatriation possible. That would not only help prevent the recurrence of conflicts and refugee outflows, but also contribute to nation-building in Afghanistan. With that in mind, Japan had always supported creative

incentives to encourage refugees to return to Afghanistan and would co-host, with the United States of America, a high-level meeting on reconstruction assistance to that country. Furthermore, Japan stood ready to host in the near future a conference on peace and reconstruction in Afghanistan, at which the international community could seek a durable solution to the protracted Afghan refugee problem.

84. The past successes of UNHCR proved that refugee problems could be solved when Governments were committed and resources were made available. Thus, it was essential to provide durable solutions in order to stop the vicious circle of conflict and refugee flows. His Government therefore supported the solution-oriented approach taken by UNHCR. To achieve a durable solution, the international community needed to expand its focus with regard to refugee crises. Countries of origin must address the root causes of movements of refugees and displaced persons and create the necessary conditions to prevent the displacement of their populations. The repatriation and reintegration of refugees should also be followed by the reconstruction and development of social and economic structures in order to bridge the gap between humanitarian and development assistance. UNHCR could not solve the problems alone, however, and partnership with development agencies, Governments, non-governmental organizations and other humanitarian actors was therefore essential.

85. His Government intended to help UNHCR in a creative manner, through three pillars of cooperation. First, from the financial standpoint, Japan's core contribution had accounted for 10 to 15 per cent of the annual UNHCR budget in the past 10 years. Japan had also helped enhance predictability and flexibility in allocating funds through a single tranche contribution with broader earmarking. The second pillar was cooperation through the United Nations Trust Fund for Human Security. Through that Fund, Japan had already provided financing for such projects as the establishment of the UNHCR Regional Centre for Emergency Training. Third, his Government had been exploring a form of cooperation with UNHCR that aimed at a stronger linkage between development assistance and its humanitarian effects. Since the Office's strengths lay in its field presence, Japanese embassies at the operational frontiers had been instructed to work more closely with UNHCR. The Japan International Cooperation Agency had been a

precursor to such activities in the United Republic of Tanzania, where the burden borne by the host country had been eased, leaving UNHCR to concentrate on refugee protection and assistance.

86. His Government considered that the mission of UNHCR — saving the lives of refugees and protecting and empowering them — remained vitally important. Thanks to the recent reforms, UNHCR had made great progress. Nonetheless, it should continue to seek the most effective means of carrying out its mission, to which his Government would continue to give its full support.

87. **Mr. Kolby** (Norway) said that protection and assistance were the key to solving the problem of refugees and displaced persons. Whereas assistance usually came with a price tag, protection was priceless, in both senses of the word. Norway had repeatedly emphasized the importance of placing sufficient resources at the disposal of UNHCR. His Government welcomed the Global Consultations on International Protection launched by UNHCR and would continue to take an active part in them. Accordingly, Norway had hosted a joint Nordic and UNHCR workshop on resettlement as a protection tool, and its conclusions had provided input to the Global Consultations. Only a few States had resettlement quotas, hence one of the purposes of the workshop was to encourage more countries to offer that option. The resettlement of refugees was a protection tool, a durable solution in particular circumstances within a broader strategic framework of protection and a component of an international solidarity and responsibility-sharing mechanism. It was a complement to, not a substitute for, the right to seek asylum.

88. Protection was particularly important in the case of the most vulnerable of the vulnerable; that meant, in general, women and girls. His Government had been an ardent advocate of mainstreaming their special needs in the general operations of UNHCR and other agencies and organizations. Norway would host a seminar in Oslo the following January on the physical protection of women and girls in refugee camps. That initiative was part of the humanitarian agenda that Norway was seeking to promote through its membership in the Security Council.

89. As for protection and assistance to unaccompanied refugee children, for more than two years Norway had been one of the main sponsors of the

Separated Children in Europe Programme, a joint UNHCR and International Save the Children Alliance initiative. It had not only succeeded in compiling relevant statistics but also shown that the needs of separated children were insufficiently understood. The programme also had an important advocacy function for such children.

90. It was important not to lose sight of the fact that refugees and displaced persons also represented immense human resources, a factor that could also be part of the solution to the problem. As a way of raising awareness of the issue, the Norwegian Refugee Council had organized a seminar in Oslo, at which a book had been launched containing the personal experiences of former internally displaced persons and describing the strategies used by many people to cope with displacement situations. A better understanding of their situation would make it easier to incorporate them in the search for solutions.

91. In the same vein, the recommendations on resettlement emphasized that States should, in cooperation with civil society, facilitate the active participation and involvement in the decision-making processes of resettled refugees and also develop refugee leadership opportunities, in order to help resettled refugees cope better during the transition phase. Refugee and immigrant networks as well as local communities should be involved in that process.

92. Norway had followed up on the High Commissioner's request that a share of development assistance funding should be allocated to the interrelated issues of refugees, internally displaced persons and affected local populations. Such funds would most likely be allocated to countries emerging from a conflict situation to help bridge the gap between the cessation of humanitarian assistance and the arrival of more long-term aid.

93. **Ms. Ahmed** (Sudan) said that her country's geographical situation made it a haven for refugee flows in search of protection and security. In the past 30 years, and irrespective of the economic, social and environmental consequences, the Sudan had hosted successive waves of refugees without flinching or requesting special favours. The Government therefore hoped that international support would continue in the form of humanitarian aid to the refugees until they could return in dignity and peace to their places of origin. Her Government hoped that the principle of

burden-sharing between the international community and the host countries would be applied. As UNHCR gradually withdrew and the refugee assistance and protection programmes came to an end, a way should be found to help the Sudan with a view to rehabilitating the region affected by the presence of refugees, in particular its natural and environmental resources, and to strengthen the health and education infrastructures.

94. Pursuant to article 35 of the 1951 Convention, the Sudan had cooperated with UNHCR and with the countries of origin in the work of finding effective solutions to the problem of refugees by implementing the programme of voluntary repatriation, the ideal solution to the refugee problem, speeding up the voluntary repatriation of Ethiopian refugees and initiating that of Eritrean refugees.

95. As for the High Commissioner's decision of September 1999 to suspend aid to all Ethiopian refugees who had fled to any country of the world, including the Sudan, before 1981, her Government had made every effort to facilitate its implementation. Many refugees who wished to return voluntarily had had the chance to do so until 14 March 2001.

96. The Sudan had always drawn attention to the problem faced by Sudanese refugees in certain neighbouring countries, particularly with reference to international protection and respect for their basic rights under regional and international instruments. Currently, her delegation was deeply concerned about Sudanese refugees in neighbouring countries, especially children, who were being exposed to forced mobilization and participation in combat and combat-support activities, and it therefore called on UNHCR to ensure, pursuant to its mandate and in full coordination with the Sudanese Government, the protection of those children against all forms of exploitation.

97. In a number of its statements, her delegation had referred to the necessity and importance of ensuring the safety of United Nations staff members and humanitarian officials in the performance of their functions. Her Government had always said that if such officials were not protected, the refugees and others affected by conflicts, including women, children and the elderly, could not be protected either. Her delegation condemned all attacks against United Nations staff members. On behalf of her Government, she again expressed her heartfelt condolences and thanks to the family members of those United Nations

and UNHCR staff members who had been victims of violence and urged the parties in question to ensure the protection and safety of United Nations staff members working in the field.

98. Her delegation supported the draft resolution on UNHCR, but it stressed the importance of including a reference to the role of the host countries in ensuring protection and a safe environment to those who entered their territories, in order to strengthen the work of UNHCR in the protection of refugees.

99. In conclusion, her delegation reiterated its strong support of the international and regional instruments governing the situation of refugees. Despite its reservation with respect to article 26 of the 1951 Convention, which it considered incompatible with the provisions of article 3 of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the Sudan would continue, insofar as its resources would allow, to try to meet the needs of the refugees entering its territory so that they would find the necessary climate of peace and dignity while awaiting their voluntary repatriation to their countries.

100. **Mr. Siv** (United States of America) said he saluted Mr. Lubbers for the energy and commitment he had shown in his first year as High Commissioner. His advocacy for humanitarian access and the protection of refugees, together with his search for durable solutions, were to be applauded. The United States looked forward to the ministerial conference that would mark the fiftieth anniversary of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto. It would provide an opportunity for all parties to rededicate themselves to the principles enshrined in those documents and for States which had not yet done so to sign them.

101. UNHCR was to be commended for its work on the Global Consultations on International Protection launched in 2001. His delegation also appreciated the work of UNHCR in identifying the challenges of refugee protection and agreed that the core protection mandate of UNHCR, in particular the physical protection of refugees, must be its top priority. Refugee women and children faced particular protection challenges. Although they were a stated policy priority of UNHCR, more must be done for them. His delegation urged UNHCR and its partners to strengthen all their programmes in the field to meet the special needs of those refugees.

102. Recalling that the High Commissioner had told the Executive Committee that protection was not protection if there were no solutions, he noted that Governments were largely the ones that determined the degree to which refugees were afforded durable solutions. His delegation therefore called on them to do more to promote voluntary repatriation, local integration and resettlement. For its part, the United States would continue to work with UNHCR and hoped that other countries would do the same.

103. In recent weeks, the High Commissioner and his staff had helped to mobilize support for Afghan refugees. In the war against terrorism, the United States was fully dedicated to working with UNHCR and other humanitarian organizations to protect the lives of innocent civilians, including the Afghan refugees who had fled their homeland, and to mitigate their hardships. His delegation was especially grateful to Afghanistan's neighbours, some of which had hosted millions of Afghan refugees for many years and had been asked once again to accept new arrivals. Others had facilitated the flow of humanitarian assistance to Afghanistan and obviated the need for many to flee to those countries. Once again, the United States asked them to allow those persons to enter their territories in order to receive international protection and assistance from UNHCR. When conditions permitted, the United States would work with those countries and UNHCR to support voluntary and orderly repatriation of Afghan refugees.

104. With regard to the millions of other refugees and people of concern to UNHCR throughout the world, he said that donors should support the High Commissioner's efforts to provide them with adequate standards of care. More must be done, particularly in Africa, to ensure that they were provided with the basic necessities. Once again, in 2002, his Government expected to contribute funding for Africa at a higher percentage than for other regions. His delegation appreciated the contributions of refugee-hosting countries. They and their people deserved the international community's full appreciation.

105. As for the financial situation of UNHCR, his delegation agreed that the budget could not be cut further. As the largest donor, the United States would continue its strong support and hoped that other donors would do more, so that UNHCR could develop a more needs-based budget for 2003. Those that had decreased their contributions must reverse that trend, and those

that had not been traditional donors to UNHCR should step forward and provide assistance.

106. The staff of UNHCR, who worked to protect and assist the world's refugees, often in dangerous situations, deserved special recognition from the international community, which had mourned the loss of four UNHCR staff members in the past year. UNHCR personnel and all humanitarian workers must be afforded a secure environment in which to operate. The host and donor countries must ensure the safety of all humanitarian workers and refugees.

107. Lastly, referring to his own experience as a refugee in Cambodia and his difficult rise to his current position, he said that hope in a better future was of inestimable value to the refugees. In his own case, that future had become a reality thanks to the opportunities offered to him in the United States of America, but it would have been impossible if UNHCR had not first intervened.

108. **Ms. Pérez** (Venezuela) reaffirmed her country's interest in continued cooperation with UNHCR in meeting its international commitments. Accordingly, her Government had set up and agreed on a number of mechanisms to ensure full respect for the human rights of those seeking protection, including the adoption of a basic act on refugees and asylum-seekers to bring the statute on refugees into line with international norms.

109. The refugee problem was closely linked to peace and political stability, which required a political approach to the quest for durable solutions. Development and social stability must also be taken into account, since the problem would not be solved simply by giving asylum or protection to those who needed it. Durable solutions would mean giving priority to rebuilding and stabilizing the refugees' communities of origin, creating a favourable environment for their return in conditions of dignity and safety and providing access to better living conditions.

110. UNHCR must adapt to the new environment created by the current flows of refugees and displaced persons. Thus, international protection must be strengthened in accordance with the relevant international norms. To that end, the international instruments and principles relating to refugees must be interpreted broadly and flexibly. Her country therefore welcomed the current Global Consultations on International Protection. The worsening refugee crisis

required an urgent updating and deepening of UNHCR activities. New political concepts and criteria should be applied in order to adapt to the new circumstances. The norms and principles of international law should also be developed in line with the new reality, and ways must be sought to strengthen the international protection of refugees.

111. In addition, it was essential to protect humanitarian workers in the field, and her Government therefore welcomed the security measures that UNHCR had elaborated and put into practice.

112. The celebration of the fiftieth anniversary of the 1951 Convention was an excellent opportunity not only to renew the international commitment to the protection of refugees but also to consider taking steps to improve the effectiveness of UNHCR programmes in the framework of its mandate under the Convention.

113. Her Government attached considerable importance to States' providing financial support to UNHCR and, in that context, had made a contribution of \$1 million for humanitarian assistance to Afghan refugees.

The meeting rose at 1.13 p.m.