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Executive Committee of the Programme of the United Nations High Commissioner for Refugees Sixtieth session

Summary record of the 628th meeting

Held at the Palais des Nations, Geneva, on Monday, 28 September 2009, at 10 a.m.

Chairperson: Mr. Dumont (Argentina)

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The meeting was called to order at 10.15 a.m.

Opening of the session (agenda item 1)

1. **The Chairperson** declared open the sixtieth session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees and recalled that the Executive Committee's first session had been held from 26 to 30 January 1959 at the Palais des Nations, and had been attended by 25 members and five observers, who had inaugurated the new body. He welcomed the representatives of Djibouti and the Republic of Moldova, countries that were participating in a plenary session of the Executive Committee for the first time as full members. With those two new member States, the Executive Committee had reached a membership of 78. Given the very difficult context in which the United Nations and the Office of the United Nations High Commissioner for Refugees (UNHCR) currently had to operate, he called on members, observers and all other participants to work in a cooperative and constructive manner with a view to facilitating the work of the High Commissioner and his teams around the world.

Adoption of the agenda and other organizational matters (item 2 of the provisional agenda) (A/AC.96/LX/L.1)

2. *The agenda was adopted.*

3. *The participants were invited to watch a video presentation on the field activities of the Office of the High Commissioner.*

Statements by the High Commissioner and the guest speaker (agenda item 3)

Introductory statement by the High Commissioner

4. **Mr. Guterres** (United Nations High Commissioner for Refugees) said that at the time of his election in 2005 the Office of the United Nations High Commissioner for Refugees (UNHCR) had been dealing with a rapidly evolving situation that had necessitated thoughtful reflection about how to deliver protection and solutions more effectively. The United Nations itself had undertaken a humanitarian reform process that had led to the implementation of the so-called cluster approach, aimed at the more effective management of internal displacement. At UNHCR, staff and headquarters costs were consuming an ever greater proportion of total expenditure, endangering the Office's sustainability. A comprehensive reform had therefore been undertaken, including reviews of headquarters and the field, decentralization and regionalization and management and human resources. Most of the key reform decisions had been taken and the reforms implemented. In 2006 UNHCR total expenditure had been US\$ 1.1 billion; in 2009 it was expected to reach approximately US\$ 1.7 billion. Activities had been increased by more than 50 per cent without increasing the number of staff worldwide. Between 2006 and 2008 the proportion of total expenditure dedicated to headquarters had been reduced from nearly 14 per cent to approximately 10 per cent and staff costs had been reduced from 41 per cent to 34 per cent.

5. The Office's delivery capacity and operational flexibility were heavily dependent on the role of its implementing partners, in particular the non-governmental organization (NGO) community. The implementing partner contribution to global UNHCR activities had increased from 31.5 per cent of total expenditure in 2006 to 35.2 per cent in 2008. The savings generated through reform had allowed significant additional resources to be freed up for the people UNHCR cared for. Initially, those resources had been allocated to the High Commissioner's special projects, aimed at addressing critical gaps in the areas of malaria, malnutrition, reproductive health, sexual and gender violence and launching new programmes for anaemia and water and sanitation. The reforms had also significantly

enhanced the Office's emergency response capacity. A new and systematic approach to assessing beneficiary needs and a new results-based framework were being introduced. Needs-based budgeting had been piloted in 2008 and rolled out worldwide in early 2009, making it possible for the first time to predict the full scale of beneficiaries' needs.

6. The decentralization and regionalization process was ongoing; authority for decisions had been moved as close as possible to the point of delivery and the first phase of the human resources reform had been concluded. The change process was moving into a consolidation phase, with a focus on oversight and continuous improvement, although a number of reforms remained works in progress. At headquarters the reconfiguration of support services had been decided and implemented. A new Division for Programme Support and Management (DPSM) had been created to integrate programme management. It would ensure that the Global Needs Assessment (GNA) initiative and results-based management were incorporated in all operational activities. At the same time, the capacity of the Division of International Protection Services (DIPS) would be enhanced. Furthermore, human resources reform was well under way.

7. Turning to the main challenges facing UNHCR, he said that predictions about the consequences of the financial and economic crisis in the developing world were generally very pessimistic. The crisis could reverse years of poverty reduction efforts and undermine the achievement of the Millennium Development Goals. At the same time, account should be taken of five global megatrends. First, there was population growth, most of which would occur in the developing world. Second, urbanization: by 2050, 70 per cent of the world population would live in cities and displaced populations would likewise be increasingly urban. Third, climate change, which could cause massive displacement. Fourth, food, water and energy insecurity: by the end of 2009, more than a billion people would probably be suffering from hunger and malnutrition and approximately 1.4 billion people already lacked access to safe water. Demand for energy was expected to increase by 50 per cent in the next 20 years, mainly in the form of fossil fuels, which would contribute to global warming. Fifth, migration: the world had more than 200 million migrants. The principal factors driving migration were demographics, economics and, increasingly, environmental degradation. Those five megatrends were more and more interlinked and self-reinforcing; they increased insecurity and displacement, and, in conjunction with the global recession, were causing crises to multiply and deepen. Including Palestinian refugees, two thirds of all refugees in the world were situated in an arc of crisis stretching from South-West Asia through the Middle East to the Horn and Great Lakes of Africa. That was also an area in which populations were growing and urbanizing quickly and where the impact of climate change was forecast to be severe. Of the nearly 14.5 million internally displaced people that had benefited from UNHCR protection and assistance activities in 2008, approximately 74 per cent had resided in countries in that arc. Moreover, contemporary forms of displacement were becoming more complex.

8. In the current environment UNHCR faced four main challenges. The first was the shrinking of humanitarian space, due mainly to the changing nature of conflict, the tougher line taken by some States on national sovereignty and the blurring of traditional distinctions between the civilian and military spheres. Contemporary conflicts had multiple actors, many of whom had no respect for humanitarian principles or the safety of humanitarian staff. A few governments, for political reasons, had refused to allow humanitarian agencies into their territory or had expelled them. In addition, the lines that in the past had clearly separated civilians and the military were becoming increasingly blurred. In the space of six months, UNHCR had lost three staff members. In response to the worsening security environment, UNHCR had created a permanent Security Steering Committee (SSC), which had decided on a range of enhanced security measures; local security steering committees had likewise been established. Initiatives to build confidence with local communities and communicate proactively with all relevant actors must be pursued. UNHCR was also re-

evaluating and strengthening cooperation mechanisms in the area of security with the United Nations. He stressed that despite the difficult financial environment, cost considerations would never take precedence over safety.

9. The second challenge was shrinking asylum space; just as shrinking humanitarian space represented the main challenge for UNHCR operations in the developing world, some countries in the developed world were limiting access to their territory for asylum-seekers. While there had been some positive developments, such as the new asylum law in Mauritania and the alternatives to jail for asylum-seekers in the comprehensive immigration detention reform in the United States, the trend was broadly towards greater restrictions and fewer rights. Some developed countries were limiting access to their territories in ways that did not respect the rights of asylum-seekers and refugees under international and regional law; some had an effectively zero recognition rate, even for asylum-seekers from war-torn countries. That was unfair and added to the problem of onward secondary movements, as asylum-seekers were tempted to seek out States where they had some hope of having their protection needs recognized. In that context, a common approach was needed and a truly European asylum space had to be created.

10. The third challenge was the increasing difficulty of achieving durable solutions, given the increasing complexity of contemporary forms of conflict. While more than 600,000 refugees had voluntarily repatriated in 2008, that figure was, with the exception of 1 year, the lowest in the past 15 years. Large-scale repatriation efforts were slowing down and the situation in several countries was becoming less conducive to return and reintegration. Overall, with fewer refugees returning to their countries of origin and the economic crisis beginning to bite deeply in host States, receptivity to local integration was being eroded. In the absence of more meaningful international solidarity and burden-sharing, a smaller and smaller proportion of the 80 per cent of the world's refugees who resided in developing countries could expect to integrate. The decline in voluntary repatriation and local integration opportunities was giving rise to a corresponding increase in demand for resettlement. In 2008 UNHCR had proposed more than 121,000 refugees for resettlement, twice as many as in 2006, and a larger number than there were places for. The importance of resettlement as a solution would only increase and, while there were some success stories, additional resettlement places must be found.

11. The fourth challenge was urban refugees, a category that included all persons of concern to UNHCR in urban settings, including refugees, asylum-seekers, returnees, internally displaced persons and the stateless, all of whom increasingly resided in or migrated to cities. That issue would be the subject of the Dialogue on Protection Challenges to be held in December 2009. A useful exchange of views on displacement in urban settings had taken place during the annual NGO consultations and a meeting on that issue would be organized with mayors in cooperation with the city and canton of Geneva and the Hague Process on Refugees and Migration. In recognition of the strong links between displacement, urban planning and poverty reduction, UNHCR was conducting a scoping study on urban displacement in cooperation with Cities Alliance, a global coalition of municipal authorities and development partners. It was also introducing a new urban refugee policy that differed significantly from the previous one.

12. His Office's main partners were States and he reiterated his gratitude to the developing countries that hosted large numbers of refugees. The contributions made by host States in the developing world were not reflected in funding documents, but without them, four fifths of the work of UNHCR would be impossible. In that context, the influx of Somali refugees into Kenya was the most compelling emergency currently facing UNHCR. In the previous 21 months, more than 100,000 Somalis had arrived in the Dadaab camps, fleeing the fighting in their country. The camps were highly congested and services inadequate; the rains due in the next few weeks could lead to a terrible human tragedy. He

renewed his appeal to the Government of Kenya to make additional land available as soon as possible for the establishment of a fourth camp. Regional organizations were likewise important partners. It was expected that African heads of State would sign the world's first binding continental legal instrument on internal displacement in October of that year at the forthcoming special summit of the African Union on refugees, returnees and internally displaced persons in Kampala. He recalled that 40 years earlier, in 1969, African States had adopted an expanded definition of refugee to better reflect the specificities of the situation on that continent. Currently nearly half of the 26 million people estimated to be forcibly displaced by conflict, violence or human rights abuses resided in Africa. Accordingly, African States were determined to remain at the forefront of the response to that situation.

13. The effectiveness of UNHCR also depended on its strategic partnership with NGOs, including national NGOs, which, pursuant to the UNHCR commitment to increasing the proportion of funds implemented through partners, had been allocated an additional US\$ 100 million in 2008. Preparations for the forthcoming Global Humanitarian Platform meeting in February 2010 were well advanced, and at the same time UNHCR was planning to implement the recommendations of the peer review on accountability to beneficiaries in disaster-affected populations that had been undertaken by the Steering Committee for Humanitarian Response (SCHR). Private sector partnerships likewise generated very important benefits for beneficiaries and staff. UNHCR also continued to strengthen its partnership with the United Nations and other key agencies; for example, high-level retreats had been held with the Office for the Coordination of Humanitarian Affairs (OCHA), the International Organization for Migration (IOM) and the International Committee of the Red Cross (ICRC). Given the centrality of climate change to its work, UNHCR had participated actively in the preparations for the United Nations global conference on climate change to be held in Copenhagen in December 2009.

14. UNHCR worked in a highly challenging economic environment. Donors had remained remarkably generous, and the vast majority had maintained or increased their contributions in local currency. Exchange rate losses had been significant in the first half of the year but had been offset by the efforts of donors. UNHCR intended to demonstrate that it remained worthy of such support through its reforms and response capacity. The year 2011 would mark the 60th anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness. In solemnly commemorating those instruments UNHCR must commit itself to finding better ways to bring protection and solutions to the people it cared for. He encouraged the members of the Executive Committee to share their ideas for specific initiatives and activities that could be undertaken in that regard.

Statement by the guest speaker

15. **Ms. Pillay** (United Nations High Commissioner for Human Rights) said that human rights law was a powerful source of protection for refugees and other persons of concern to UNHCR. The causal link between human rights violations and forced displacement was tragically evident. The mutually reinforcing endeavours of UNHCR and the Office of the United Nations High Commissioner for Human Rights (OHCHR) must therefore lead to tangible and durable results in the advancement and promotion of human rights, in the prevention of forced displacement and the protection of asylum-seekers and refugees. The 1951 Convention relating to the Status of Refugees was a living instrument, capable of evolving and adapting to new needs in the area of human rights law. She recalled that at the eighth World Conference of the International Association of Refugee Law Judges (IARLJ), held in Cape Town, South Africa, in January 2009, she had used a number of examples of treaty body jurisprudence to show that international humanitarian law could help interpret the definition of refugee as contained in the 1951 Convention.

16. International human rights standards and mechanisms provided a valuable supplement to the protection measures contained in the 1951 Convention. Those standards and mechanisms must be better implemented at the national level, which would support the efforts of the Executive Committee to protect displaced persons around the world. For example, articles 9 and 10 of the International Covenant on Civil and Political Rights granted rights to all detained persons, including the right to an independent review of the lawfulness of their detention. In response to the increased use of administrative detention for migrants, which was often implemented without adequate guarantees and carried the risk of exposing refugees to arbitrary and prolonged detention and punitive regimes, the Human Rights Committee, which oversaw implementation of that Covenant, had concluded that a decision to keep asylum-seekers in administrative detention must be reviewed periodically and that detention should cease as soon as the State could no longer provide appropriate reasons for it to continue. Furthermore, the Convention on the Rights of the Child, with its 193 States parties, had become the main source of protection for asylum-seeking and refugee children. The Special Rapporteur on the human rights of migrants had recently recommended to the Human Rights Council, pursuant to the Convention on the Rights of the Child, that migration-related detention of children should not be justified on the basis of maintaining family unity, and that alternative measures should be identified for the entire family.

17. Protecting and promoting economic, social and cultural rights was yet another imperative, especially against the backdrop of the economic recession that had seriously affected the most marginalized, including asylum-seekers and refugees. The International Covenant on Economic, Social and Cultural Rights guaranteed the right of everyone to an adequate standard of living, including adequate food, clothing and housing, as well as the right to the highest attainable standard of physical and mental health. The adoption of the Optional Protocol to that Covenant would finally allow individuals to lodge complaints for violations of their economic, social and cultural rights, and should revitalize the pursuit of those rights and encourage Governments to meet their legal obligations under the Covenant. She encouraged all States to become parties to that important instrument, which had been opened for signature the previous week in New York.

18. She welcomed the strengthened interaction between UNHCR and the treaty bodies. Many States addressed the situation of the forcibly displaced in their periodic reports to treaty bodies, which promoted better understanding of the specific challenges posed by displacement. The various committees and special procedure mandate holders, who examined the application of human rights standards to refugees and made recommendations to States, contributed in a significant manner to the protection offered by Governments. Many of the recommendations made to States in the context of the universal periodic review of the Human Rights Council concerned migrants, refugees, asylum-seekers and internally displaced persons. She recalled the commitment made by UNHCR to fully integrate norms established by the Committee on the Elimination of Discrimination against Women (CEDAW) into its work with displaced, internally displaced and refugee women and girls.

19. The key human rights challenges for her Office, which made up a number of OHCHR priorities and also had a direct bearing on the work of UNHCR, included elimination of discrimination, protection of human rights and vigilance as to their implementation, and gender discrimination. A crucial step in addressing those challenges was ratification and implementation of the key human rights instruments by States as well as removal of the reservations made by numerous States. A mechanism specifically focused on ways to promote equality for men and women in legislation could also be developed. The condition of civilians in armed conflict continued to cause grave alarm. Over the course of recent decades millions of civilians had lost their lives in international and internal wars and tens of millions of non-combatants had been injured or permanently

displaced. Homes had been destroyed and access to food, medicine and shelter had been denied. Neglect of basic human rights was often at the root of such conflicts and the large-scale population movements that accompanied them. All parties involved in those conflicts must be reminded of their obligations under international human rights and humanitarian law. Stress must continue to be placed on the need to protect civilians, mitigate their suffering and guarantee independent investigations and justice and remedies for the victims, as well as to combat impunity for perpetrators. That was the only way to ensure sustainable security and well-being for refugees and displaced persons returning home.

20. Opportunities for dialogue between the Executive Committee and human rights mechanisms must be intensified and refined. Such engagement would undoubtedly help draw more attention to the protection challenges faced by displaced persons and prompt renewed efforts to find durable solutions. As always, her Office stood ready to support all such efforts in full cooperation with UNHCR.

Video message from Mr. Kevin Rudd (Prime Minister of Australia)

21. *The Chairman invited delegations to view a video message from Mr. Kevin Rudd, Prime Minister of Australia.*

22. **Mr. Rudd** (Prime Minister of Australia) recalled that the Executive Committee had been created 50 years earlier, in 1959, to facilitate the work of the High Commissioner. At that time it had had 25 member States chosen for their interest in refugee issues and their commitment to that cause. Since then, the international community and UNHCR had come to the assistance of millions of refugees. Many current member States of the Executive Committee had offered protection to large numbers of displaced persons; others had made a political or financial contribution or participated in resettlement programmes. UNHCR, which was currently meeting the needs of some 31 million refugees, had gradually won the respect of the entire world for its professionalism, its unflagging commitment to human rights and its capacity to adapt to changing needs. The devotion of every staff member to the cause of refugees and displaced persons was exemplary.

23. Australia was determined to cooperate with UNHCR in every way. As a country of more than 22 million inhabitants, mostly descendants of refugees or former refugees themselves, Australia had not only been a member of UNHCR since its very inception, but had also been a founding member of its Executive Committee. It had also been the sixth country to ratify the Convention relating to the Status of Refugees. It would therefore continue to support the efforts of UNHCR to prevent and manage displacements, through financial support or in the context of its long-established resettlement plan.

24. The role played by UNHCR in the future would go well beyond its traditional protection mandate for refugees. Unfortunately, the challenges posed by displacement remained and were constantly changing. Climate change could lead to new population movements of unprecedented magnitude. Statelessness, which was a real human problem as well as a threat to world security and prosperity, likewise posed a challenge for international cooperation. In the face of that reality, Governments must continue to work side by side and support the efforts of UNHCR with a view to more fairly sharing the burden of the responsibilities they bore and helping displaced persons live a normal life once more.

General debate (agenda item 4)

25. **Ms. Ljunggren** (Sweden), speaking on behalf of the European Union; the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia; the countries of the Stabilisation and Association Process Albania, Bosnia and Herzegovina and Montenegro; as well as Ukraine, the Republic of Moldova, Armenia and Georgia, said that

vulnerable populations around the world currently faced numerous challenges as a result of climate change, population growth, rapid urbanization and food insecurity, all of which were aggravated by the global economic crisis. There was a risk that funding for humanitarian agencies would be reduced at the same time as the number of people in need of assistance was increasing. All countries must assume their respective responsibilities in order to meet the growing challenges and contribute to the effective functioning of the humanitarian system. For both traditional and new donor countries, that included the responsibility to provide funding to match needs, while keeping earmarking to a minimum.

26. Climate change was already testing the humanitarian system. Humanitarian agencies and Governments alike must reflect on the humanitarian and displacement challenges that could be caused by climate change and continue to strengthen the humanitarian system's ability to respond. New forms of cooperation and new roles for humanitarian agencies would no doubt have to be defined and any legal gaps in relevant international conventions, that might hinder the effectiveness of humanitarian action, must likewise be identified. The European Union was deeply concerned at restrictions on access for humanitarian assistance as well as increased acts of violence against humanitarian workers. Both States and non-State actors must take all necessary steps to ensure respect for international humanitarian law and humanitarian principles, including the principle of safeguarding humanitarian space.

27. Protecting refugees and finding durable solutions constituted essential tasks for the international community. The European Union deeply appreciated the invaluable contributions made by countries hosting refugees. Commending the efforts of UNHCR to promote accession to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, she urged States that had not yet done so to ratify those instruments and requested States to implement the provisions of the Convention and its Protocol. She noted with satisfaction the progress made with regard to the High Commissioner's initiative on protracted refugee situations, congratulated UNHCR and the Governments of Burundi and Tanzania on the progress achieved to date in repatriating and naturalizing Burundian refugees in Tanzania and noted with appreciation the commitment of the Government of Kenya to provide additional land in the area of Dadaab.

28. The European Union was continuing to develop the Common European Asylum System, a process in which UNHCR was playing an important role. Asylum issues would be an important part of the forthcoming five-year plan for European Union cooperation on judicial matters and home affairs, the so-called Stockholm Programme, scheduled for adoption by the European Council in December 2009. In order to sustain the international protection regime, it was necessary to increase solidarity with the countries and regions that hosted the majority of refugees. One of the most important means of making European Union solidarity with third countries a reality was the creation of a European Union resettlement programme, which would contribute to the global refugee protection mechanism by maximizing the number of resettlement places within the European Union for refugees in need of protection. In addition to offering protection and durable solutions to individual refugees, pooled resettlement quotas, used strategically, could encourage countries of origin to accept the return of their citizens and also encourage host countries to accept local integration. The European Union had for some years been witnessing the unregulated influx of people seeking international protection and consequent human tragedies in the Mediterranean. It needed to work on a long-term basis with the countries of origin, transit countries, international organizations and NGOs with a view to avoiding such tragedies.

29. The European Union supported the declared commitment of UNHCR to fully assume its role with regard to internally displaced persons and encouraged it to continue to develop its protection and assistance programmes for those persons and to adopt a needs-

based approach to the provision of assistance in situations involving mixed populations. The European Union also welcomed the UNHCR internal reform process and its emphasis on strengthening the Office's presence in the field and its focus on results-based management and the development of a needs-based budget. While the needs-based budget for 2010–2011 was not yet fully funded, it would serve as an instrument for setting priorities as well as an advocacy tool for the protection of refugees. Lastly, the European Union welcomed the High Commissioner's commitment to humanitarian reforms and considered UNHCR to be a key player in those reforms.

30. **Mr. Mwape** (Zambia), speaking on behalf of the African Group, expressed full support for the reform initiatives launched by the High Commissioner and paid special tribute to the men and women of UNHCR, who worked under difficult and trying conditions to provide humanitarian services to displaced persons. He thanked the secretariat for its initiative in organizing informal consultations on the 2010–2011 budgets, which had been particularly welcome given the complexity of the new budget structure. As the African Union was finalizing preparations for its first ever special summit on forced displacement, to be held in Uganda in October 2009, he thanked UNHCR and the wider donor community for their support. The summit was expected to adopt the first ever legally binding instrument on the protection of and assistance to internally displaced persons. Regional organizations could play a critical role in humanitarian issues and the African Union therefore encouraged UNHCR, as a cluster leader in United Nations humanitarian reform, to deepen its relationship with the African Union and its subregional mechanisms.

31. The African Group remained concerned at the ongoing emergencies and crises that generated population displacement. Many countries continued to show their traditional hospitality and generosity towards refugees but were increasingly overwhelmed by the scale of the problem and the reduction in international support. Conditions in many refugee camps across Africa were intolerable; if that situation was allowed to persist, the reforms proposed by UNHCR would remain empty promises. The major internal reforms undertaken by UNHCR and its ambitious 2010–2011 needs-based budget came at a difficult time of economic and financial crisis, when many refugee camps, particularly those in Africa, were struggling to meet the most basic standards of protection and assistance. The success of any needs-based assessment and funding should be judged not by ambitious goals but by the practical results it brought to those in need. Moreover, the African Group noted with concern that, despite efforts to fund projects on the basis of needs, the budget allocated for specific country projects in Africa for 2010 had decreased significantly.

32. The programme budget for the 2010–2011 biennium was the first to be presented on the basis of the new budget structure adopted by the Executive Committee at its forty-first session. It was based not on an estimate of expected funding but rather on the Global Needs Assessment; it was therefore a particularly significant document. The flexibility, clarity and transparency expected of the new budget system would be particularly important given that not all projects could be fully funded. That meant that UNHCR would have to identify priorities and decide on the extent to which national authorities would be involved in the prioritization process. He wondered what would be the level of participation by national authorities in the prioritization process, how information would be provided to all interested parties and whether consultations at the priority-setting stage would be broadly participative and not focus excessively on donors. The document did not provide sufficient information on those issues. The African Group believed that UNHCR should have the flexibility to transfer funds from one set of projects to another; it was unfortunate that that flexibility was severely limited by the common practice of earmarking funding. Donors should therefore make less use of that form of funding.

33. The African Group welcomed the consultations held with regard to the Executive Committee Conclusion on protracted refugee situations and commended the High Commissioner's initiatives and commitment on that issue, which posed considerable difficulties for governments and communities in many African countries. UNHCR should consider the possibility of applying cessation clauses in respect of refugees coming from countries where peace was beginning to be restored. He paid special tribute to the High Commissioner's efforts to reform UNHCR with a view to increasing its efficiency, reducing costs and ensuring greater transparency. He expected the reform process to take into account the intergovernmental nature of UNHCR and respect geographical diversity and equitable representation.

34. **Mr. Linklater** (Canada) regretted that member States had not been able to reach consensus on a conclusion concerning protracted refugee situations and called on States to continue negotiations on the text over the coming months with a view to adopting it as quickly as possible. Refugees must be provided with the tools they needed to prepare their future; too often they waited indefinitely for a durable solution, without an opportunity to study or even obtain a means of subsistence. His Government was ready to work with UNHCR and member States to develop and implement durable solutions to refugee situations.

35. While primary responsibility for protection lay with States, protection must remain central to the work of UNHCR, whose constant efforts to promote a rights-based approach to protection of refugees and asylum-seekers must be commended, as must its important role as leader of the cluster of agencies having expertise in the area of protection. UNHCR must show firm leadership in its coordination role; even when it was not able to directly provide protection in all situations, it must ensure that the major gaps in protection were identified and remedied.

36. His delegation welcomed the progress made to date towards management reform at UNHCR. It considered that partnerships should likewise be a central part of the international community's efforts to protect and assist displaced persons around the world. UNHCR could play a catalysing role, by strengthening the major partnerships in the humanitarian sector and promoting collaboration among stakeholders providing support to displaced persons in the areas of humanitarian aid, development, peace and security.

37. **Mr. Gnesa** (Switzerland) deplored the heavy price paid once again that year by humanitarian workers and underscored that any attack or deliberate violence against humanitarian personnel or their mission must be considered illegal and intolerable. He expressed great concern at the growing obstacles to access for humanitarian actors to populations in need during or after conflicts. States must guarantee rapid and unhindered humanitarian access to both refugees and displaced persons. His Government had launched an initiative aimed at improving humanitarian access by means of practical instruments that would be made available to national authorities. As for the most vulnerable categories of persons of concern to UNHCR, in particular internally displaced persons, he recalled that the primary responsibility for protection and assistance lay with the States concerned by internal displacement. He therefore welcomed the efforts of the African Union to adopt in the near future a convention on protection of and assistance to internally displaced persons in Africa. His delegation would participate actively in the High Commissioner's Dialogue on Protection Challenges in 2009, which would be devoted to the issue of persons of concern to UNHCR in urban areas. Lastly, he welcomed the significant work accomplished by UNHCR over the previous two years in the area of internal reform, which had made it more effective and more transparent.

38. **Mr. Raffat Pasha** (Pakistan) said that the past year had been a challenging one during which his country had had to face issues ranging from regional security to economic constraints while continuing to host nearly 3.5 million displaced persons. His Government

had been able to ensure that most of the internally displaced persons could return to their areas of origin and the resettlement process had started, in coordination with civil society and United Nations agencies. The provision of assistance represented a heavy burden for his Government, which called for support from the international community, especially donor countries. The death of three UNHCR staff members in the past year had deeply shocked Pakistan and he condemned in the strongest terms such acts of cowardice and underscored his Government's determination to eliminate such threats. He expressed special gratitude to UNHCR and the international community for their invaluable support in hosting Afghan refugees and providing relief to internally displaced persons and welcomed the recent visits of the High Commissioner and the Deputy High Commissioner to Pakistan in recent months, which had illustrated their solidarity with the people and Government of Pakistan during a difficult period.

39. Efforts to repatriate Afghan refugees, under way since 2002, had been affected by poor security conditions during the current year, when only 47,000 refugees had returned voluntarily. In order to ensure that returns were voluntary, in March of that year his Government and UNHCR had signed a letter of mutual intent based on a revised strategy for the management of Afghan refugees living in Pakistan, with a view to extending the validity of their registration cards. The generosity and hospitality shown by Pakistan to Afghan refugees for over a quarter of a century had placed a heavy burden on the country. Host communities had been stretched to the limit; the economic situation in those communities had been exacerbated by massive internal displacements and the impact of the current global financial crisis. He therefore welcomed the recent signature of a project document allocating US\$ 140 million for assistance to regions of Pakistan that hosted refugee populations.

40. His Government fully adhered to the principle of voluntary and gradual return home as enshrined in the tripartite agreement and, in consultation with UNHCR and the Government of Afghanistan, had agreed to continue the UNHCR-assisted repatriation programme. His Government was working actively with UNHCR to update information on Afghan refugees and ensure that the rising number of internally displaced persons did not divert attention from the return and reintegration of Afghan refugees. Allocation of land was one of the most important factors in the rehabilitation and reintegration process for returnees and he requested the Government of Afghanistan to give priority to that issue as an incentive that would guarantee returning Afghans a means of subsistence.

41. **Mr. Hughes** (Australia) said that the starting point for any successful humanitarian intervention was safe access by humanitarian workers to those people who needed their help. The past year had been characterized by diminished access to civilian populations and an increase in attacks on both those populations and humanitarian personnel. The tragic deaths of UNHCR staff earlier that year and the 260 attacks against humanitarian workers in 2008 were unacceptable. All States and parties to a conflict must ensure that UNHCR staff and their partners had safe and unfettered access to populations in need. He encouraged UNHCR to continue its security-related reforms in order to improve the security of populations of concern and the safety of staff.

42. The international community was working to enable the displaced to return to a normal existence in their country of origin or to benefit from a durable solution elsewhere. In that connection, he underlined the significant results achieved by UNHCR through its patient efforts to address protracted refugee situations. His delegation would support that work through diplomatic efforts, the strategic use of resettlement and the provision of funding to improve the living conditions and prospects of refugees in protracted situations. It commended the reforms undertaken by UNHCR, which, given financial pressures, would have to establish clear priorities based on needs at the country, regional and global levels. He likewise welcomed the cluster leadership role that UNHCR had accepted in the area of

humanitarian action and the investment and mainstreaming of costs that it had undertaken in the cluster approach. Strengthened coordination with other clusters and with the Office for the Coordination of Humanitarian Affairs (OCHA) was commendable and should be continued, particularly at the field level.

43. While the number of displaced persons worldwide had remained relatively stable, the situation in the Asia-Pacific region remained a concern. Instability in Afghanistan, Pakistan, Sri Lanka and other countries had caused an upsurge in displacement throughout the region and beyond. In a region where few States were parties to the Refugee Convention, governments needed to renew their cooperative efforts and work with UNHCR to develop better frameworks for protection in order to ensure that protection was provided to those who needed it, solutions were found and the scourge of people smuggling was curtailed. The renewal of the Bali Process as a means of bringing together the most affected countries to develop common approaches to particular situations was an important step forward. In the long term an enduring protection framework was needed that would be capable of responding rapidly to new situations as they arose. Australia would continue to play an active role in achieving that objective.

44. **Mr. Hassan** (Yemen) recalled that the Somali refugee problem had begun in 1991 with the collapse of the State of Somalia, forcing millions of Somalis to flee the war and seek refuge in neighbouring countries. His delegation felt obliged to remind the international community of the seriousness of that humanitarian issue because Yemen continued to receive refugees by the thousands due to the deterioration of the situation in Somalia. Yemen also received great numbers of illegal migrants from the Horn of Africa countries, which were experiencing economic difficulties and drought. The international assistance that Yemen required would serve to finance a programme based on five objectives: solve the problem of Somali refugees at source by establishing sites for them in the stable regions of that country; provide assistance and training for the Yemeni coast guard to help it carry out its tasks such as sea rescue operations and protection of refugees and migrants; ensure that sufficient aid was available to meet the needs of refugees in camps and gathering sites, for example in respect of water, food, health services, etc.; establish vocational and technical training centres for the children of refugees so that they could provide for themselves; and intensify the efforts of donor countries and organizations aimed at encouraging the voluntary return of refugees from stable areas of Somalia.

45. He underscored the importance of finding a political solution to the Somali problem as the best way of ensuring the restoration of security throughout the country. Support must therefore be provided to the interim Government and the African Union peacekeeping forces. His Government's policy towards Somalia comprised three main lines of action: to urge the parties to engage in dialogue with a view to achieving a negotiated political solution; to participate in anti-piracy operations in the Gulf of Aden; and to help build the capacity of the interim Government by providing scholarships for Somali students. In conclusion, he thanked UNHCR for its humanitarian assistance work in Yemen, in particular the assistance provided to persons displaced from the Sada'a region by acts of violence against civilians perpetrated by the Al Houthi rebels.

46. **Ms. Larsen** (Norway) said that her Government encouraged UNHCR to continue its analysis of the likely worldwide human displacement scenarios caused by climate change and to identify legal and operational gaps. The international community must do its utmost to prevent new situations of displacement. The Norwegian Government would continue to work for greater protection of civilians under international humanitarian law and considered it necessary to establish new partnerships to enhance its implementation. Norway called on all members of the Executive Committee to contribute to that effort. With regard to the protection of internally displaced persons, the African Union Convention, which was expected to be adopted at the forthcoming special summit of the African Union in Uganda,

was a most positive development. Norway was supporting that initiative financially and encouraged UNHCR to promote the ratification of the Convention.

47. A few months earlier, 3 million people in north-west Pakistan had been forcibly displaced. In close cooperation with the Government of Pakistan and civil society, UNHCR had protected and assisted those displaced persons, and a major humanitarian crisis had been averted. However, in other cases, including in Sri Lanka, northern Uganda, Sudan and the Central African Republic, the necessary assistance had not been forthcoming. Norway therefore encouraged UNHCR to step up its efforts to assist displaced persons. The protection of such persons following natural disasters was also a matter of concern that required greater attention from UNHCR. It was important that internationally agreed standards relating to care and maintenance for refugees were met. In that regard, the Norwegian delegation called on the Government of Kenya to act swiftly to allocate more land for the Somali refugees in the Dadaab camps. Lastly, since equality between the sexes was one of its key priorities, the Norwegian Government encouraged UNHCR to maintain its strong focus on gender within its broader mainstreaming efforts. It was unfortunate that, despite the relevant United Nations Security Council resolutions, there had been little improvement in the protection of women on the ground.

48. **Mr. Ghaemi** (Islamic Republic of Iran) said that, following the establishment of new governments in Afghanistan and Iraq, a large number of Afghan and Iraqi refugees and displaced persons residing in Iran had been repatriated. During the long-term repatriation process, which had commenced in 2001 within the framework of the Tripartite Agreement between Afghanistan, the Islamic Republic of Iran and UNHCR, about 1.4 million people had returned to Afghanistan. However, according to data from the latest registration exercise, more than 1 million Afghan and Iraqi refugees and displaced persons remained in Iran and the consequences of their presence, particularly in economic and social terms, should not be ignored. The Government of Iran supported voluntary return as the preferred solution but had found that many Afghan refugees did not wish to return due to the shortage of housing and job opportunities and the lower welfare standards that awaited them in their homeland. It would therefore like to see the bulk of the international community's assistance being allocated to the construction of housing for returnees and to improvement of the employment situation. In that regard, the stabilization of the Government of Afghanistan provided the international community with an opportunity to increase its aid for the country's reconstruction and socio-economic development, thereby encouraging the voluntary return of Afghan refugees.

49. A total of 88,800 refugees throughout the world had been resettled in 2008, but refugees in Iran accounted for only 0.5 per cent of that number. In addition, while UNHCR had confirmed that in 2009 Iran had hosted 95,000 vulnerable refugees and displaced persons, only 1,400 resettlement cases had been considered for that year. The material and financial assistance provided by the international community to refugees and displaced persons in Iran was not commensurate with their ever-increasing needs. The contribution of the international community corresponded to less than 1 per cent of the necessary expenditure. It was therefore essential for UNHCR, in formulating its annual budget, to pay sufficient attention to the nature and scale of the real needs of refugees and displaced persons. In addition, the distribution of budgetary funds must be indicated in a clear and transparent manner, so that the real level of assistance extended to the target community could be accurately measured.

50. **Mr. Guterres** (United Nations High Commissioner for Refugees), responding to the various statements, underscored the importance that he attached to the Swedish Presidency of the European Union and the Stockholm Programme. His Office fully supported that initiative, as the introduction of a common asylum system in Europe would allow for more effective solutions and would improve the fate of refugees. Referring to the statement made

by the representative of Zambia, he welcomed the African Union's decision to organize the special summit on refugees, returnees and internally displaced persons in Kampala and to draft an African convention on displaced persons that would constitute the first legally binding instrument on that issue in Africa.

51. Referring to the statement made by the representative of Canada, he noted the appeal that had been made regarding a conclusion on protracted refugee situations. While he was aware that some developing host countries were concerned that the conclusion ultimately adopted might increase the burden on them, he emphasized that, on the contrary, UNHCR was in fact seeking to establish more effective mechanisms of responsibility sharing. He welcomed the observations made by the representative of Switzerland regarding humanitarian space and access, and thanked the Swiss Government for its pledged contributions to humanitarian aid. He also expressed his Office's gratitude to Pakistan for its exceptional generosity in safeguarding protection space for 1.9 million Afghan refugees. UNHCR would work with the Government of Pakistan to ensure that voluntary return was an attractive and viable option for those refugees; in that regard, it had no doubt that the allocation of land was a key incentive.

52. He welcomed the very significant improvement in Australia's asylum system. During his recent visit to the country, he had had the opportunity to witness first-hand the success of the new resettlement programme and the extraordinarily effective contribution that civil society was making in that area, especially in Sydney. He commended the great generosity that Yemen had shown in continuing to grant *prima facie* refugee status to Somalis, given the deteriorating situation in their country. He also expressed deep solidarity with Yemen, which was experiencing numerous problems as a result of population displacements, and he undertook, on behalf of his Office, to provide support for all humanitarian initiatives in that field. He welcomed the substantial support that UNHCR had received from the Norwegian Government and the Norwegian Refugee Council, noting that their contributions had been particularly useful in policy drafting and capacity building. He was pleased to have participated in the symposium in New York organized by the International Peace Institute and the Norwegian Government, which had provided the occasion for a very significant debate regarding the need to enforce international humanitarian law while at the same time maintaining the autonomy of humanitarian space. He appreciated the representative of Norway's observation regarding the importance of gender equality, as that issue was also a priority for UNHCR. Lastly, he thanked the Islamic Republic of Iran for granting protection space to Iraqi and Afghan refugees for so many years. His Office shared the concerns expressed by the representative of Iran regarding the need for more effective action to facilitate the voluntary repatriation of Afghan refugees. He confirmed the need to increase support for the assistance programme that the Iranian Government operated for Iraqi and Afghan refugees.

53. **Mr. Elmi Bouh** (Djibouti) said that the Republic of Djibouti had recently been elected a member of the Executive Committee and thanked all those who had made that election possible. Since his country's independence in 1977, massive refugee flows had been driven towards its borders by various events, including the conflict between Somalia and Ethiopia, the war in Yemen, the collapse of the Somali Government and the fall of President Mengistu in Ethiopia. The ever-deteriorating security situation in Somalia continued to give rise to the displacement of populations seeking safety and protection, in addition to which the Republic of Djibouti faced a considerable tide of clandestine migration from bordering countries. That situation was placing intolerable pressure on its already underdeveloped infrastructures. There was a clear need to strengthen risk prevention mechanisms in order to forestall the events that caused forced displacements and outflows of refugees. It was also essential to protect people that were not involved in the conflict, either by creating a security cordon around them or by guaranteeing the establishment of humanitarian corridors.

54. The conflict in Somalia remained a source of deep concern for the Republic of Djibouti. The Transitional Federal Government formed in Djibouti in February 2009 with the backing of the United Nations faced multifaceted challenges. The conflict had seen the emergence of non-State actors organized into politico-military factions that were determined to impede any political progress in Somalia by fuelling a climate of fear in which violence against civilian populations was escalating, with the consequent loss of thousands of lives, mainly among women and children. The international community must therefore mobilize and make every effort to ensure that the Somali Government received the necessary political, material and financial support.

55. **Ms. Dlamini Zuma** (South Africa) said that the financial crisis and economic recession would seriously affect refugees, wherever they might be in the world, and that it was therefore essential to pay special attention to the most vulnerable groups, especially women, children and persons with disabilities. The impact of climate change was likely to increase the number of internally displaced persons and migrants. In that regard, UNHCR and other relevant agencies should look at internally displaced persons not only as victims of climate change but also as a useful resource that could contribute to the protection of the environment. Thus, projects could be implemented that would not only provide a livelihood for such persons but would also help build momentum for environmental protection through sustainable development.

56. In the African Union, the South African Government had already expressed its concern about the protracted refugee situations in Africa and their negative impact on host countries, many of which had fragile socio-economic conditions. It hoped that member States would continue to work towards a solution to those problems. In that regard, the South African Government wished to thank the United Republic of Tanzania for the assistance that it had provided to Burundian refugees. The mixed nature of the migratory movement into South Africa posed many challenges to the country's efforts to manage migration and provide protection for those who qualified for international protection. In order to better address those challenges, the South African Government was reviewing its migration policy using a version of the UNHCR 10-Point Plan adapted to the country's specific circumstances.

57. **Mr. Guterres** (United Nations High Commissioner for Refugees) emphasized the importance that UNHCR attached to Djibouti as a stable protection space in a region with one of the most severe population displacement problems in the world. He was aware of the implications for Djibouti's socio-economic situation of the migration of refugees from Somalia and the Gulf of Aden and of the enormous pressures that those movements were placing on the country. His Office was ready to step up its cooperation efforts in order to ensure that Djibouti could continue to provide the stable protection space that was so valuable to UNHCR.

58. He welcomed the partnership between UNHCR and South Africa. The South African Government's migration policy was one of the most generous, open and humane in the world. However, South Africa was a magnet which, as he had observed during his visits to the country, attracted a very large number of people seeking either protection or a better quality of life. Conscious of the undoubted impact of those population movements on the South African economy and society, he assured the South African Government of his Office's full support in the search for solutions that would enable it to overcome those problems and to safeguard the protection space that South Africa had developed.

The meeting rose at 1.10 p.m.