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

Fifty-fourth session

SUMMARY RECORD OF THE 575th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 1 October 2003, at 3 p.m.

Chairman: Mr. BOULGARIS (Switzerland)

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(a) INTERNATIONAL PROTECTION

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The meeting was called to order at 3.15 p.m.

PRESENTATION BY THE HIGH COMMISSIONER AND GENERAL DEBATE
(agenda item 4) (continued)

1. Mr. CRUZ TORUNO (Nicaragua) deplored the loss of life in the recent bombing of the United Nations headquarters in Baghdad and said that Nicaragua was playing a constructive role in the shaping of a new world order and cooperating actively within the multilateral system to combat the scourges that plagued mankind. It was committed to defending multilateralism and to overcoming the current problems of insecurity.
2. Nicaragua was particularly concerned about guaranteeing the human rights of refugees and displaced persons in regions of the world in conflict or post-conflict situations. The international community should strengthen cooperation and join forces within the United Nations system to ensure that those persons enjoyed international protection. Accordingly, his delegation gave its unconditional support to the implementation of the Agenda for Protection and to the 4Rs strategy, which it regarded as a major UNHCR achievement.
3. Mr. THABANE (Lesotho) appealed to African States to move towards democracy and a culture of human rights as an alternative to armed conflict. States that supplied arms to Africa should cease to do so; the continent was awash with weapons, yet it seemed incapable of feeding its people.
4. Lesotho was very much encouraged by the active role that the High Commissioner was playing in southern Africa. The successful repatriation of Angolan refugees was a tribute to the excellent consultations conducted between the Angolan Government, the High Commissioner and other partners. It should serve as a benchmark for other countries and an excellent illustration of the 4Rs principle in action.
5. Lesotho had recently taken steps to relieve the financial burdens of the refugees it hosted by charging them the same fees as its nationals for higher education. Most refugees in Lesotho had jobs, in spite of a current unemployment rate of 40 per cent.
6. The Executive Committee should give serious consideration to the issues of human smuggling and trafficking, which were on the rise in southern Africa. Clear guidelines were needed on how to protect asylum-seekers from that phenomenon. His delegation hoped that the Committee would give the problem serious attention and that the issue would be included in the agenda of the Geneva Migration Group.
7. Mr. MNATSAKANIAN (Observer for Armenia) said that Armenia was particularly appreciative of UNHCR efforts to establish 4Rs programmes for returnees and internally displaced persons. Such programmes should be encouraged in order to ensure integrated planning by all stakeholders. The Convention Plus Forum also deserved support and should improve burden sharing.

8. The Executive Committee's endorsement of the Agenda for Protection was important to addressing protection challenges, finding more durable solutions and ensuring greater burden sharing. Armenia welcomed the progress achieved in that regard and hoped that the UNHCR 2004 process would help transform UNHCR into a truly multilateral organization.

9. Armenia had continued with its large-scale programme for the local integration of the more than 3,000 refugees who had been forcibly displaced from Azerbaijan and were not expected to return to their places of origin. While only 5,000 refugees had acquired Armenian citizenship in 2000, by 2003 the number of new citizens had soared to 65,000. While the biggest challenge had been to motivate refugees to become Armenian citizens, another major challenge was the provision of adequate housing. The Government, in its commitment to further progress, had earmarked additional budgetary resources for local integration programmes.

10. His delegation welcomed UNHCR's ongoing commitment to Armenia's programme and hoped that donors would provide additional resources to maintain its momentum. In the meantime UNHCR should continue to play its critical role of catalyst and advocate for the programme.

11. Ms. NAMGYEL (Observer for Bhutan) expressed appreciation for the international assistance provided to the refugees in camps in Nepal. The refugee problem in Nepal was a protracted one, since it was the result of an atypical situation that was not amenable to conventional solutions. However, Bhutan and Nepal had finally agreed on the necessary standards and principles for a just and lasting solution.

12. Three meetings of the Ministerial Joint Committee had been held in 2003, and verification and categorization of the first camp had been completed. Action would be taken with regard to people in that camp on the basis of the agreements reached. Further ministerial meetings had been held to discuss future courses of action, with the next such meeting planned for October 2003. Both Governments were fully committed to the bilateral process as the only way to resolve what was very a complex problem.

13. Mr. HLATJWAKO (Observer for Swaziland) said that Swaziland was poised to produce the nation's first people-driven Constitution, the outcome of several years' consultations with persons from all walks of life. The Constitution seemed to have won universal approval, reflecting the country's time-honoured commitment to dialogue and consultation. Swaziland was also in the midst of a general election, the first round of which had been declared fair and free. In addition, His Majesty King Mswati III had convened the 2003 Smart Partnership International Dialogue, an event which underscored his country's belief in the importance of dialogue. All those developments meant that Swaziland was creating a climate that was free from strife and want, a necessary precondition for any country wishing adequately and comprehensively to cater for the needs of the refugees it hosted.

14. The worst of the refugee problems had come to an end. Earlier in the year UNHCR had opened an Honorary Liaison Office in Swaziland, and the celebration of World Refugee Day 2003 had been the most meaningful in recent times, with Swaziland refugee youth occupying centre stage. More than 300 young refugees were currently participating in the Malindza Against AIDS Initiative, and vigorous efforts continued to be made for the economic empowerment of refugees.

15. The phasing out of food assistance in October 2003 was likely to spur the less active into action, since alternative income-generating activities had already been discussed with the individuals concerned. To that end, Swaziland urged its partners to provide sufficient resources in order to optimize land used at Malindza.

16. Ms. HICKEL (Observer for the International Committee of the Red Cross (ICRC)) said that recent developments in the international political environment posed real challenges for humanitarian organizations, which must adjust to the new environment to uphold protection norms and ensure the safety of humanitarian personnel. The events of 11 September 2001 had changed the way war was perceived and intensified the debate over the relevance of international humanitarian law. The way States had responded to acts of transnational terror had upset the fragile balance between the imperatives of State security and the need to protect individuals. As a result, ICRC had seen an increase in the number of persons detained for security reasons. It had visited no fewer than 448,000 detainees in 2002 and as many as 340,000 in the first half of 2003.

17. To counter the erosion of protection systems, ICRC continued to stress the relevance of international humanitarian law and the need for the parties to conflicts to comply with that law. It had held a series of regional expert meetings to examine the legal dilemmas posed by transnational violence. While it opposed any attempt to reduce the scope of international humanitarian law, ICRC remained committed to clarifying existing rules and to developing new ones to strengthen protection for victims of armed conflict. It would continue to make its voice heard on such issues as the non-use of biological agents for hostile purposes and of anti-personnel mines.

18. ICRC enjoyed fruitful cooperation with UNHCR within the framework of the UNHCR 2004 process, the Agenda for Protection and the crisis in Iraq. The two organizations had drawn up common guidelines to clarify their respective roles and responsibilities vis-à-vis victims of conflict and had, with other partners, adopted the Inter-agency Guiding Principles on Unaccompanied and Separated Children. ICRC and the International Federation of Red Cross and Red Crescent Societies (IFRC) had begun discussions with UNHCR to ensure that any future agreements between UNHCR and partner national societies took account of the specific nature of those societies and enabled them to act in accordance with the Movement's Fundamental Principles.

19. The crises in Afghanistan and Iraq should not detract attention from crises in other parts of the world. The plight of missing persons and the uncertainty in which their relatives lived caused suffering and resentment long after hostilities had ended. ICRC was determined to ascertain the fate of missing persons, to defend the right of their families to know what had happened to them, and to strengthen international and domestic law to prevent disappearances.

20. ICRC needed to change the way it analysed and addressed conflict situations on the ground, since the very legitimacy of independent humanitarian action was being called into question. Protecting human dignity, which was the theme of the International Conference of the Red Cross and Red Crescent to be held in December 2003, was an aim that concerned everyone. The Conference would provide a unique opportunity for dialogue and a reaffirmation of the international community's commitment to respect for human life.

21. Mr. HOREKENS (Observer for the International Federation of Red Cross and Red Crescent Societies (IFRC)) noted that IFRC had concluded a written agreement with UNHCR on Iraq and hoped to expand the partnership through a global framework agreement. The Federation had also increased cooperation with other United Nations agencies in areas extending beyond the immediate needs of refugees in order to reach other groups whose sustainable livelihoods were threatened because it believed that all vulnerable people must be given protection and assistance.
22. IFRC welcomed the increased emphasis placed in the High Commissioner's report on developing partnerships to facilitate the integration of returnees and others. The Federation was pleased to note that the High Commissioner had acknowledged the important role played by Red Cross and Red Crescent Societies as operational partners and the part that the Federation's national societies would play in the future.
23. IFRC welcomed the opportunity to help find solutions to the problems associated with the smuggling and trafficking of persons and would support collaborative action at all levels in that endeavour. The Federation was working closely with Governments in the Asia Pacific region to address those problems and related transnational crimes. It believed that Governments must not lose sight of the fact that the victims concerned became vulnerable as soon as they left their countries to look for opportunities elsewhere.
24. IFRC was deeply concerned at the discrimination and intolerance shown to many individuals while they travelled and when they reached their destinations. It called on all Governments to distinguish clearly between people needing protection and criminal elements. The problem was symptomatic of the lack of clear and humane migration legislation in many countries.
25. The Red Cross Red Crescent Movement was a natural partner for Governments, since its national societies had close access to potential victims and could anticipate dangers before they arose.
26. Mr. ABOWOBUSOYE (Observer for the Economic Community of West African States (ECOWAS)) said that more than 3 million persons had been internally displaced in the West African subregion during the past 14 years. The Liberian war had caused one of the worst humanitarian crises in Africa's history, while the recent coup d'état in Guinea-Bissau and simmering conflicts in other countries of the subregion were further reflections of a situation characterized by the illegal circulation of more than 7 million small arms and light weapons.
27. In Côte d'Ivoire, ECOWAS had helped negotiate a political agreement that entailed the disarmament, demilitarization and reintegration of all rebel groups. ECOWAS maintained forces along the ceasefire lines and encouraged political talks to secure and shore up the fragile peace. In Liberia, it had helped secure a comprehensive peace agreement involving the establishment of a transitional Government and the holding of general elections in October 2005. In Guinea-Bissau, the ECOWAS Heads of State and Government had held talks with all parties and helped secure agreement on the creation of a transitional Government pending legislative and presidential elections. In all its work on behalf of peace, stability and development in West Africa, ECOWAS was guided by the principles of respect for constitutional order, protection of human rights and respect for international humanitarian law.

28. In view of the severe challenges facing the subregion, ECOWAS appealed for international support to develop its capacities in political and humanitarian affairs, defence, security and peacekeeping. It had already signed a memorandum of understanding with UNHCR for further cooperation at the operational and strategic levels and sought similar arrangements with other like-minded organizations.

29. Mr. PAIVA (Observer for the International Organization for Migration (IOM)) said that there was a growing recognition of the global nature and interconnection of migration issues. Since more comprehensive and cooperative approaches were acquired at national, regional and global levels, international organizations had to establish new ways of working with one another and with Governments and civil society. Accordingly, IOM welcomed the formation of the Geneva Migration Group as an informal mechanism for sharing ideas among Geneva- and Vienna-based agencies having a direct interest in migration. The Group afforded an opportunity to consider cross-cutting issues and build strategic alliances among the organizations involved.

30. IOM and UNHCR continued to strengthen their collaboration on issues relating to the migration/asylum nexus, recognizing that the two phenomena were distinct but closely related. The Action Group on Asylum and Migration (AGAMI) provided a useful forum for joint undertakings in that field.

31. Mr. CHARPANTIER (United Nations Development Programme (UNDP)) thanked the High Commissioner and his staff for helping UNDP and other agencies bridge the relief-to-development gap. The work of the past year had been successful, marked by greater openness, better coordination and excellent cooperation.

32. UNDP also welcomed UNHCR's membership in the United Nations Development Group, as it believed that the successful reintegration of refugees and returnees was predicated on their inclusion in the development plans of countries of origin. UNDP had made every effort to include such populations in the Organization's regular planning and programming tools.

33. Inter-agency cooperation must be translated into action on the ground. UNDP had worked closely with UNHCR and other partners to ensure that the 4Rs pilot schemes in Afghanistan, Sierra Leone, Sri Lanka and Eritrea addressed the needs of returnees and host communities.

34. In Eritrea, it had helped develop an integrated recovery programme based on the local development approach. It had also set up a joint United Nations recovery programme unit in Asmara. The integrated approach had the greatest likelihood of sustaining reintegration, and UNDP encouraged donors to support that approach in Eritrea as it had elsewhere.

35. In Sri Lanka, a 4Rs mission had been organized. The mission had strengthened inter-agency cooperation and produced an integrated plan for three communities in Sri Lanka. Following a similar mission to Sierra Leone, a programme unit had been set up and transition support teams deployed to address programming gaps and strengthen the capacity of local authorities to address needs in their areas.

36. UNDP had signed a memorandum of understanding with the transitional Government of Afghanistan and UNHCR to address the needs of returnees and internally displaced persons. It was committed to cooperating with UNHCR and other agencies to better address the most pressing needs of those groups. UNDP also supported UNHCR's efforts to resolve the problem of displacement from Afghanistan.

37. UNDP was currently developing mechanisms to introduce the 4Rs strategy in Liberia, where it hoped to pilot them early in the post-crisis transitional period. It hoped that that strategy would help rebuild communities and foster their long-term development.

38. Additional resources were needed to strengthen the UNDP presence in many countries and the Programme's capacity to deal with crises from a development perspective. UNDP appreciated the support it had received from UNHCR and the resources provided by the Danish and Norwegian Governments in Sri Lanka and Sierra Leone as well as by the Japanese Government in Afghanistan. The challenge for United Nations agencies was to develop truly integrated relief-to-development plans for returning populations and their communities.

39. Mr. FERRIS (Observer for the International Council of Voluntary Agencies (ICVA)) said that there was an increasing tension between the need for neutrality and impartiality in the work of humanitarian organizations and the political and military objectives of other stakeholders. The fact that most humanitarian funding was provided by only a few donor Governments, many of which were spearheading the war against terrorism, underscored that difficulty.

40. ICVA welcomed the international community's commitment to improving the security of humanitarian personnel and called for the immediate release of its colleague, Arjan Eskel, who had been kidnapped in Dagestan.

41. The security and protection of refugees, asylum-seekers and displaced persons had not improved greatly in the past year, with many States retreating from their legal obligations towards such persons. There was limited recognition of the need for debate on the social, economic, and protection implications of migration control measures. Indeed, many migration control policies, such as the recent initiatives in the United Kingdom, Denmark, the Netherlands and Australia, seriously undermined the right to seek and enjoy asylum. Such initiatives had been designed with little consultation with the States to which the burden would be shifted or any proper consideration of the need to guarantee effective protection. Moreover, ICVA was concerned that some States were turning to organizations other than UNHCR to implement their migration plans, ignoring the mandate and experience of UNHCR in the area of international protection.

42. Disturbing situations persisted in many parts of the world. Bhutanese refugee women in Nepal still had no registration documents or independent access to humanitarian aid. The principle of non-refoulement was increasingly being violated in various parts of South-East Asia. The deteriorating security situation in Afghanistan severely affected the ability of humanitarian organizations to implement programmes there, making involuntary returns of refugees and rejected asylum-seekers unacceptable. ICVA was also deeply concerned at the continuing pressure put on Chechens in Ingushetia to return to Chechnya.

43. Donors and international organizations needed to do more for refugee populations in West Africa. In Guinea, for example, the need for child soldier rehabilitation and refugee education remained underserved. In the United Republic of Tanzania, government restrictions on refugees' freedom of movement adversely affected their ability to become self-reliant, necessitating a reversal of the decision taken to reduce their food rations. More funding was needed for repatriation to Angola, and the international community should not forget the 65,000 Sudanese refugees recently arrived in Chad.

44. In the area of resettlement, he called for further discussion on the proposed strategic use of resettlement in all protracted refugee situations, if only to address the concern that resettlement decisions were not being made on the basis of protection needs. UNHCR also needed to clarify its policy on internally displaced persons and consistently apply that policy.

45. Refugee women continued to experience difficulties in gaining access to asylum and effective protection and to be subjected to rape and other forms of gender-based violence. Recent evaluations had shown that, while current policies and guidelines on refugee women and children were useful, they were inadequately implemented at the field level. An inter-agency, multisectoral approach was required. The resettlement of women at risk had been complicated by the existence of ambiguous definitions and identification criteria and delays in processing paperwork. It was imperative to ensure that women at risk were fast-tracked to safe resettlement countries. Effective strategies to address violence against women should be developed and implemented.

46. It sometimes appeared that States used the Executive Committee's protection conclusions as a means of diluting rather than strengthening protection. It was to be hoped that, as part of the review stipulated under the UNHCR 2004 process, the Executive Committee would think more carefully about the purpose for which the protection conclusions had originally been intended. States should endeavour to reverse the current trend towards narrowing the scope of refugee protection and instead develop interpretations that enhanced refugee protection. The review should also examine ways to boost NGO participation in the work of the Executive Committee and in the process of drafting the protection conclusions.

47. Mr. ELAGHBASH (Sudan), speaking in exercise of the right of reply, drew attention to the statement made by the observer for Eritrea and said that the Sudanese Government had always been committed to the repatriation of Eritrean refugees living in the Sudan. While it was true that little progress had been made over the past year, owing first to delays brought on by the rainy season and then to further fighting, his Government had nevertheless established a humanitarian corridor in July 2003 to enable Eritrean refugees to return home voluntarily. The parties had agreed in principle to the resumption of repatriation operations in mid-October 2003, and tripartite arrangements had been established to facilitate the process in the future.

48. The CHAIRMAN, summing up the general debate, said that the attack on the United Nations premises in Baghdad in August 2003 had demonstrated that humanitarian staff faced new dangers and that their security should be a central concern. UNHCR had recorded some positive achievements during the past year, notably in Afghanistan, but much remained to be done in terms of rehabilitation and reconstruction. Other encouraging developments had been observed in Angola, Timor Leste, Sierra Leone, Burundi, Somalia, Sri Lanka and the eastern regions of the Democratic Republic of the Congo.

49. Despite an overall decline in the number of refugees worldwide, the number of persons covered by the UNHCR mandate had actually increased, and many delegations had drawn attention to the existence of protracted refugee situations still requiring a definitive solution. It had been pointed out that many developing countries faced intolerable burdens when thrust into the role of host countries, with major influxes of refugees straining local communities to breaking point. One suggestion had been to involve local authorities in humanitarian operations, and it had been agreed that donors needed to take the phenomenon of host country fatigue more seriously.

50. The UNHCR 2004 process and the recommendations put forward by the High Commissioner had garnered much support, it being understood that any new initiative must be based on the 1951 Convention and the 1967 Protocol. It had repeatedly been stressed that the international community should not interpret the lifting of the time limit on the UNHCR mandate as a signal to slacken its efforts on behalf of refugees, and several delegations had emphasized that the Office's operations should continue to be humanitarian and apolitical in nature.

51. The High Commissioner had been widely congratulated for reaching out to agencies and institutions in the United Nations system, other international organizations and NGOs, and for his decision to have UNHCR become a sponsor of the Joint United Nations Programme on HIV/AIDS (UNAIDS). It was right and proper that refugee questions should be linked to the themes of peace and security and to wider development activities. Likewise, the idea of holding ministerial meetings every five years had been applauded as a means of raising the profile of refugee issues in a spirit of multilateralism. Much had been said about the Agenda for Protection, and of the need to make it more operations-based. In particular, a plea had been made to protect refugee women and children from sexual exploitation. It had been suggested that all humanitarian workers who dealt with refugees should be responsible not just for the legal but also for the physical protection of the people in their charge.

52. The Convention Plus initiative had been hailed as a valuable tool for complementing the international protection regime that nevertheless did not replace the 1951 Convention and the 1967 Protocol. Many delegations had committed themselves to cooperating with UNHCR to give effect to Convention Plus through special agreements and other measures, but it had also been emphasized that the Forum envisaged under the initiative should be tied into the administrative structures of UNHCR.

53. A number of delegations had queried the validity of development through local integration as a means of dealing with massive refugee influxes over a long period. The debate had clearly demonstrated that voluntary repatriation was the preferred solution, yet it was gratifying to note that some States had expressed their commitment to resettlement as a durable solution and an instrument of protection. Participants in the debate had advocated maintaining a clear distinction between asylum and migration so as to minimize abuse of asylum systems. Considerable interest had been shown in greater cooperation and partnership with IOM, the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime (UNODC).

54. On the issue of funding, it had been good to hear that many States' contributions to UNHCR for 2004 would equal or exceed their contributions for 2003. The themes of international solidarity and burden sharing had been constantly referred to. It had been admitted

that funding was inadequate, that financial requirements were predictable and that donors should accept collective responsibility for covering the budget. At the same time, UNHCR had been asked to be more rigorous in its financial management and to adopt a needs-based approach to budgeting. Proposals to expand the donor base and tap private-sector funding had been welcomed, but many delegations had also made a plea for maintaining the voluntary character of contributions to UNHCR. There had been some support for the idea of 30 per cent base level contributions.

REPORTS OF THE WORK OF THE STANDING COMMITTEE (agenda item 6)
(A/AC.96/965/Add.1, 974, 975, 983, 984 and 985)

55. The CHAIRMAN said that the work of the Standing Committee in 2003 had included a number of recurrent themes in addition to the Agenda for Protection. Reviews of UNHCR programmes and activities in all five regions had been undertaken at the March 2003 meeting of the Standing Committee on the basis of oral strategic updates. The Standing Committee had thus been able to oversee the evolution of programmes and the essential challenges for the future in Africa, Central Asia, South-West Asia, North Africa and the Middle East, the Americas, Asia and the Pacific, and Europe. The reviews had been closely referenced to UNHCR's global objectives and the implementation of the Agenda for Protection in the field. UNHCR global programme strategies had also been presented at the March meeting, highlighting efforts to create synergies and position the work of the Office within a broader framework.

56. At each of its meetings the Standing Committee had also considered regular updates on programme requirements and funding levels. In June it had also reviewed the Global Report on UNHCR programmes in 2002.

57. At its March meeting, the Standing Committee had addressed protection and programme policy issues relating to the safety and security of both staff and refugees and the economic and social impact of massive refugee populations on host developing and other countries. The debate had focused on the growing threat to humanitarian workers who frequently found themselves at the mercy of political factors on the ground, as tragically illustrated by events in Baghdad in August.

58. The June 2003 meeting of the Standing Committee had focused on protection issues, including further reports on progress towards implementing the Agenda for Protection; a report by the Working Group for Resettlement on the strategic use of resettlement; and the possible extension of UNHCR activities in the field of statelessness to all areas with stateless persons.

59. In March and September 2003, the Standing Committee had discussed coordination within the United Nations system and with other key actors, including the Office's participation in specific coordinating mechanisms and its views on the major issues under discussion.

60. Management and finance issues had been addressed at the September 2003 meeting, which had undertaken a preliminary review of the financial and budgetary documentation submitted prior to the fifty-fourth session of the Executive Committee.

61. In accordance with the authority vested in it by the Executive Committee, the Standing Committee had adopted a number of decisions that were annexed to the reports of the various Standing Committee meetings and were listed in the annex to the summary report on the work of the Standing Committee (A/AC.96/983).

(a) INTERNATIONAL PROTECTION (A/AC.96/965/Add.1, 974, 975 and 984)

62. The CHAIRMAN drew attention to four draft conclusions relating to international protection that had been circulated for consideration by members of the Executive Committee, namely the draft general conclusion on international protection, the draft conclusion on the return of persons not found to be in need of international protection, the draft conclusion on protection safeguards in interception measures, and the draft conclusion on protection from sexual abuse and exploitation.

63. Ms. FELLER (Director of the Department of International Protection) said that the Executive Committee had endorsed the Agenda for Protection one year previously. Yet despite a number of promising developments, none of the goals mapped out in the Agenda had been fully met to date. Forced deportation of asylum-seekers and refugees was not an exceptional occurrence, UNHCR had been denied access to refugee populations and refugees continued to experience serious security problems, including sexual violence. Fear of terrorism had taken its toll on resettlement, and efforts to curb illegal migration had spawned restrictive legislation and discriminatory practices in the recognition of refugee status. Around the world, dislike of refugees and asylum-seekers continued to manifest itself in xenophobia and violence. States parties to the 1951 Convention and its 1967 Protocol were fond of making pious statements about refugee protection in international forums, including the Executive Committee. Yet while accusing others of failing to apply the principles enshrined in the Convention, they themselves often failed to practise what they preached.

64. Put bluntly, some States had abdicated the responsibility of managing asylum systems on their own, for example by refusing to take over refugee status determination from UNHCR or refusing to deal with security issues in refugee camps. The civilian and humanitarian character of asylum had thereby been compromised, and women and children continued to be subjected to abuse which all too often was officially instigated.

65. To be effective, protection must be rooted in refugee and human rights law, and the humanitarian motive must remain dominant. Effective protection was the goal towards which all UNHCR efforts converged, and it should also be the goal of States in their multilateral cooperative efforts to address refugee and asylum challenges. Rhetoric could only be transformed into reality through implementation and legal compliance, and with that in mind the Agenda for Protection had articulated clear policy directions for the period ahead. As for the legal dimension, the Department of International Protection had elaborated a series of theoretical benchmarks for effective protection which it intended to compare with the actual practice of selected States in a project forming part of the High Commissioner's Convention Plus initiative. Convention Plus was designed to bring about a convergence of practice and discourse. Effective protection should start with sharper awareness of international obligations and standards, but ultimately it was incumbent on States to live up to those obligations. To enable States to comply with their obligations, the Agenda for Protection gave priority to enhancing national capacity.

66. The Note on International Protection (A/AC.96/975) furnished many examples of what effective protection meant in practice. Protection tools included training, advocacy, lobbying, direct intervention, capacity-building and legal protection instruments. In June 2003 the Standing Committee had been updated in detail on progress in the implementation of the Agenda for Protection. For its part, UNHCR had issued two new publications in its series of protection guidelines and had drafted a number of the protection conclusions called for in the Agenda, which the Executive Committee would be invited to consider at its current session. In particular, it was hoped that the draft conclusion on protection from sexual abuse and exploitation would serve as an important guide for UNHCR, its partners and States alike. Sexual abuse of refugees was a serious physical security problem that needed to be discussed more openly.

67. In addition to its legal work in the area of standard-setting and advisory services, the Department of International Protection ensured that protection posts were properly filled and that the protection component of UNHCR field offices was adequate to the task at hand. While the support expressed by States for a shift from resource-driven to needs-driven programming ought to translate into more protection posts, the difficulty of recruiting appropriately qualified protection staff persisted. Departmental involvement in the appointment of protection staff ensured that the right person was assigned to the right position. The various targeted deployment schemes that had been inaugurated had proved very effective: the majority of the 63 officers deployed to date had been dispatched to African operations, although offices in other regions had also benefited. A refugee status determination project had resulted in 45 deployments in 25 different locations. Unfortunately, both deployment projects were at risk from serious underfunding.

68. The Department was also involved in improving management procedures and enhancing the accountability of staff engaged in protection operations. One of its tasks was to ensure that field offices possessed the required levels of expertise and know-how to tackle fraud and perform oversight functions. In conjunction with local NGOs, the Department also intended to develop an operations protection manual illustrating various physical security dilemmas, particularly those arising in a camp setting, and it had designed and conducted a protection learning programme for UNHCR staff.

69. The past year had seen significant progress in enhancing and expanding the use of resettlement as a tool of protection, a durable solution to refugee situations and a burden sharing mechanism. Planning for resettlement had been included in the country operations plans for 2003 submitted by UNHCR offices around the world, thus enabling UNHCR to assess resettlement needs one year in advance and greatly enhancing coordination and advance planning with resettlement countries. Building on the excellent work done by the Working Group on Resettlement regarding the strategic use of resettlement, again pursuant to the Agenda for Protection, UNHCR had developed a group methodology for the identification and profiling of refugee groups that could potentially benefit from resettlement. In addition, two regional resettlement hubs had been established in Ghana and Kenya. The Department of International Protection would review resettlement needs in Africa in late 2003, focusing on regions with large caseloads in protracted refugee situations and locations with significant numbers of urban refugees.

70. The Department was acutely aware of the potential for fraudulent use of travel documents issued under the 1951 Convention. There was currently no agreed procedural standard for the handling or issuance of such documents, and increasing concerns had been raised about their integrity. Accordingly, steps would be taken to update the content and security features of the Convention travel documents that UNHCR supplied to countries unable to produce their own.

71. The overriding objective of the Global Consultations had been to stop further erosion of the international refugee protection regime. While it was true that Governments often had to contend with mixed movements, asylum fatigue, security concerns and insufficient resources, such challenges could never justify blatant cases of refoulement, denial of legal personality to refugees, mandatory and arbitrary detention of all asylum-seekers, denial of access to UNHCR, maintenance of obstacles to repatriation, or failure to prosecute rapists of refugee women. Too many false arguments had been advanced to shirk responsibility for supporting and hosting refugees, with the result that people were being denied the kind of effective protection that the Convention's drafters had had in mind. In pursuit of narrowly defined national interests, policies were being restrictively crafted around inflexible definitions that failed to take proper account of actual protection realities and needs.

72. Mr. HILAË (Morocco) said that his delegation considered registration and documentation to be vital tools for protection because they helped to accurately assess refugees' principal needs. It was therefore with great concern that he noted that no registration exercise had ever been carried out at the Tindouf camps, where refugees had been sequestered for more than 25 years. Morocco insisted that UNHCR should discharge its mandate fully by carrying out the registration exercise that had been proposed the previous year, since that was the only way to establish an accurate figure for the population of those camps. Not to do so would undermine UNHCR's credibility and prolong the suffering and forced exile of Moroccan citizens.

73. He expressed surprise at UNHCR's persistent refusal to take note of those who had left the Tindouf camps voluntarily, fleeing by the thousands to make their way back to their own country at great risk to their own lives and those of the families they had left behind. In a recent Standing Committee document full statistics relating to other camps had been issued regarding persons who had left voluntarily, even though they were far fewer in number. The fact that UNHCR had not assisted returnees from Tindouf was irrelevant, since the few other African returnees mentioned in the document had received no such assistance either.

74. He also wondered what measures had been taken to implement Executive Committee conclusion No. 94 (LIII) 2002, on the civilian and humanitarian character of asylum, in the Tindouf camps. Reputable NGOs and journalists had reported that the conditions of detention of Moroccans in those camps amounted to a war crime, thereby confirming what his delegation had been saying in the Executive Committee for years. Moroccan detainees were used to build the infrastructure of the camps themselves, and even projects financed or supported by donors such as the World Food Programme (WFP) or Oxfam were carried out by detainees, while the budget allocation for labour was appropriated by senior members of the so-called "Polisario".

75. There were also eyewitness reports of torture practised by the "Polisario" within the camps, which were in the territory of a State member of the Executive Committee. His delegation therefore appealed to the host country to meet its obligations under conclusion No. 94 by taking urgent action to halt the violations of the prisoners' most basic rights in order to preserve the civilian and humanitarian character of the camps.

76. As the Director of the Department of International Protection had pointed out, there was clearly a gap between discourse and practice: what was the point of preparing and adopting conclusions if Executive Committee members then proceeded to violate them? Despite calls by the international community for the immediate and unconditional release of the Moroccan prisoners, and the fact that even supporters of the "Polisario" were revolted by the inhuman and degrading treatment meted out to the detainees, UNHCR and its Executive Committee appeared indifferent to the violations of their own decisions and recommendations.

77. It was true that the Moroccan prisoners were not persons of concern to UNHCR. Those responsible for the violations, however, and the camps where the violations were being committed, were. UNHCR had a duty to remind the host country of its international obligations and condemn the violations of human dignity in the camps. Protection was not a choice but an obligation that must be met.

78. Mr. DEMBRI (Algeria), speaking in exercise of the right of reply, said that he refused to enter into a political discussion that would be out of order in a debate on international protection. The representative of Morocco had presented a series of factual inaccuracies and specious arguments. If refugees were to be repatriated, the obstacles to their return must be removed. A United Nations settlement plan existed and the Security Council was dealing with the problem. A free and fair referendum on self-determination should be held. On the related question of prisoners, he wished to point out that the late King of Morocco had denied the existence of such prisoners for 25 years.

79. Turning to the agenda item under discussion, and speaking on behalf of the Group of African States, he said that the Group recommended stepping up efforts to reach a consensus on effective partnership in all areas of concern to UNHCR in order to improve refugee protection, and particularly physical protection, in situations of unresolved conflict. While it was clear that the protection capacity of many host developing countries needed to be enhanced, the African Group wished to recall that social and economic deprivation were a key factor in the displacement of persons. That was a reality that must be addressed urgently in order to avoid jeopardizing protection for refugees and immigrants, who were all too frequently subjected to obstacles and restrictions masquerading as security measures. The African Group's recommendations concerning international cooperation were aimed at building the capacities of African host countries to provide protection and could serve as guidelines for the development and consolidation of those countries' protection structures.

80. With regard to durable solutions, he said that development assistance to host countries and to refugees themselves should be aimed at facilitating voluntary and unforced resettlement in the country of origin. The African Group also favoured local integration as a durable solution;

however, African host countries in particular frequently experienced difficulties with that strategy as a result of local cultural, social, economic or labour situations. A thorough study should be carried out with a view to improving all aspects of the situation relating to reception, asylum and integration.

81. When dealing with the question of resettlement, it was important not to exaggerate poor countries' local integration capacities or to compare them with the vast resources of the developed countries. The African Group was deeply disturbed by the increasing tendency to reduce resettlement opportunities on security grounds. It called on all the parties concerned to prioritize the humanitarian dimension of resettlement. He wished to express the African Group's misgivings at the way in which certain countries evaded their own obligations by offering financial inducements to developing countries to receive refugees in their place.

82. Greater efforts should be made to ensure that the standards of international humanitarian law were observed, particularly article 44 of the Fourth Geneva Convention and article 73 of the First Protocol Additional to the Geneva Conventions, in situations of armed conflict.

83. Lastly, he highlighted the crucial importance of training and public awareness-raising in capacity-building, in particular the need to promote the effective implementation and universality of the Convention and its Protocol.

84. Mr. SMITH (Australia) said that his country had joined with government and non-governmental agencies to coordinate Australia's implementation of the Agenda for Protection.

85. While the regrettable decline in resettlement opportunities, had been attributed to security concerns, it was also important to bear other factors in mind, such as the impact of asylum-seeker numbers on limited State resources. Nevertheless, the decrease in unauthorized arrivals in Australia had made it possible to increase offshore resettlement numbers significantly in 2003 and to gear the country's resettlement programme more effectively to those identified by UNHCR as most in need.

86. Australia remained firmly convinced of the significant strategic contribution resettlement could make to the system of international protection, provided that it was orderly resettlement rather than irregular movement. One of the issues essential to an understanding of irregular movement, and particularly secondary movement, was the concept of effective protection, on which Governments had yet to reach a consensus. Australia would be submitting its own views on the matter in preparation for further discussions in the months ahead.

87. His delegation took note of UNHCR efforts to explore additional areas of inter-agency cooperation on migration matters. In the debate on migration, it was essential not to lose sight of the fact that refugee movements, though important, comprised only a small part of the total migration phenomenon; undue weight should not be placed on what were perceived to be the "problems" of migration, as compared to the benefits that could accrue both to migrants and to their countries of origin and destination through participation in a well-managed migration system.

88. Australia shared UNHCR's concern that the plight of refugees should be well understood and that refugees should not be vilified. The issues affecting the public's perception of refugees, however, went beyond the total numbers of asylum applicants. Other key factors included the extent to which refugee status was abused and communities' genuine concern about who was joining them. The efforts made by States to curb abuse and provide protection in a more organized way would help to create more positive environments for the reception and integration of refugees. There was a direct link between States' experience of irregular movement and community support for integration. Australia therefore welcomed the High Commissioner's Convention Plus and Refugee Forum initiatives, which emphasized the need for comprehensive solutions through the development of special agreements to address particular refugee situations.

89. Mr. McKINLEY (United States of America) said that the United States continued to believe that the protection regime remained relevant and provided an excellent basis for international action. Yet despite the increasing insecurity and abuse to which refugees in several regions of the world were exposed, States were not always able or willing to shoulder their responsibilities regarding protection. While it was true that UNHCR was not in a position to separate out armed elements or restrict incursions into refugee camps, the very presence of its staff served as a deterrent to many protection abuses. Owing to lack of resources, however, that presence was frequently inadequate, with posts unfilled or filled by relays of people on temporary duty. His Government was therefore seeking additional funding to help increase the number of UNHCR protection and community services field staff.

90. The issue was, however, equally one of setting priorities and providing the right tools, such as an enhanced protection presence, an efficient registration system, staff training and the operationalization of guidelines and best practices, particularly for the protection of refugee women and refugee children. In an effort to fill the gap and provide for increased protection needs, his Government had funded the Protection Surge Capacity Project, and he appealed to other donors to do likewise.

91. He acknowledged the dangerous environment in which UNHCR worked and the absolute necessity for staff security. His delegation welcomed UNHCR's agreement to undertake an evaluation of its staffing of protection-related positions as well the lead efforts made by UNHCR to combat sexual abuse and exploitation. It strongly urged, however, that the senior coordinator positions should not be downgraded when the proposed new team approach in the field was not yet in place. Coordinators' ability to advise senior managers in regional offices might disappear with any reduction in rank.

92. Food security had a major impact on protection, and he urged continued close cooperation between UNHCR and WFP in ensuring adequate food supplies and eliminating pipeline breaks. His delegation remained willing to assist in that regard and asked to be informed early on about anticipated problems.

93. With regard to registration, he welcomed the progress made on Project Profile and continued to urge the formation of a support group of member States in order to ensure adequate funding and technical expertise so that planning deadlines could be met and implementation could proceed.

94. The United States welcomed UNHCR's commitment to resettlement as both a means of protection and a durable solution. The United States had provided additional funding to enhance the Office's resettlement capacity, with encouraging results. Its own programme was devoted principally to resettlement of the most vulnerable refugees: those whose protection could not be guaranteed in the country of asylum. Decisions were taken on the basis of refugees' needs; there were no criteria relating to religion, skill, education or language facility. Moreover, emphasis was placed on mixed marriages involving ethnic or religious groups in armed conflict with each other, and an important part of the programme was aimed at resettling women at risk, usually from sexual violence.

95. His delegation supported the call for a fuller partnership with other humanitarian actors. A more operational role in physical protection and refugee security might be taken by NGOs, which already functioned as UNHCR's eyes and ears in refugee situations.

96. His delegation agreed with UNHCR that a well-resourced asylum system was an effective means of curbing abuse. It would be useful to refugee adjudicators if UNHCR could make public its recommendations on particular issues or caseloads.

97. Mr. SJÖGREN (Sweden) said that the Agenda for Protection was the most significant joint measure undertaken in recent years to strengthen international protection. States and UNHCR had a shared responsibility for its implementation. Sweden had recently submitted a written report on a number of measures in that regard, including proposed new legislation that would allow time-limited residence permits to be issued to victims or witnesses of trafficking in human beings if the continuation of criminal proceedings so required. His Government had also initiated a regional process in the Baltic region which also involved the Russian Federation, Belarus, Ukraine and the Republic of Moldova and dealt with prevention, reception and care, and the safe and humane return of unaccompanied minors.

98. Sweden welcomed the conclusion on the return of persons not found to be in need of international protection. To treat such persons in the same way as those who were in need of protection could seriously affect the credibility and sustainability of the international protection regime. An effective return policy was essential. It was also important to obtain reliable data on the actual numbers returned and their correlation to the number of rejected cases, which would give a better picture and understanding of broader migration movements.

99. Sweden also welcomed the conclusion on interception, which established protection safeguards to avoid endangering the right to seek asylum or other forms of international protection when interception measures were taken. The conclusion on protection from sexual abuse and exploitation was also welcome.

100. Sweden encouraged UNHCR's efforts to ensure the application of an age- and gender-sensitive approach in implementing the Geneva Convention, and endorsed the need to follow up the main findings of the evaluations on refugee women, refugee children and community services. It also urged UNHCR to integrate the planned organizational changes relating to the senior coordinator posts as effectively as possible.

101. If the strategic use of resettlement was not to jeopardize the use of resettlement for individual protection needs, the basis of resettlement and the scope of existing resettlement programmes would require broadening. More resettlement places were needed and more countries should make resettlement places available, in a spirit of international solidarity.

102. Mr. HILALE (Morocco), speaking in exercise of the right of reply, said that the representative of Algeria had not responded to the facts reported by NGOs and journalists of repute or to the accusations that Algeria had failed to meet its obligations, but had merely resorted to invective and insults. It was most unfortunate that the representative of Algeria had impugned the integrity of Morocco's late sovereign: it was not in Morocco's culture to insult heads of State or the memory of the dead. Even at the height of the war between the two countries, Morocco had respected Algeria's Head of State and would continue to do so regardless of the insults of the representative of Algeria.

103. Mr. SOUALEM (Algeria), speaking in exercise of the right to reply, said that he had no intention of prolonging the discussion. The question of Western Sahara was being dealt with by the competent organs of the United Nations.

The meeting rose at 6 p.m.