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

Fifty-third session

SUMMARY RECORD OF THE 566th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 2 October 2002, at 3 p.m.

Chairman: Mr. YIMER (Ethiopia)

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(a) INTERNATIONAL PROTECTION

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

GENERAL DEBATE (agenda item 4) (continued)

1. Mr. MINDUA KESIA-MBE (Democratic Republic of the Congo) recalled that, in 1994, there had been an influx of virtually an entire population of some 2 million refugees into his country, which had, until recently, been the theatre of a war of aggression that had caused the displacement of a further 2 million people. The Democratic Republic of the Congo and its Head of State, General Kabila, were grateful to UNHCR for its assistance in facing that ordeal.
2. At present, the Democratic Republic of the Congo had a population of 350,000 refugees from over 10 countries. Now that peace had been restored to it and to Angola, Congo-Brazzaville, and the Central African Republic, the Democratic Republic of the Congo had been left to face two main challenges. Firstly, it needed to translate into action its protection commitments under the 1951 Convention, the 1967 Protocol and the 1969 Organization of African Unity Convention Governing the Specific Aspects of the Refugee Problem in Africa. The recent adoption of a framework act on the status of refugees had been a step in that direction.
3. The second challenge was the voluntary return of all refugees in the Democratic Republic of the Congo, with priority being given to Angolans and Congolese from Brazzaville. One mechanism had been established under the tripartite repatriation agreements concluded with the parties concerned. A second was the Tripartite Security Commission, which had its own Sub-Commission for Refugees and Displaced Persons. Repatriation could not be achieved without the partnership of UNHCR. The fact that the High Commissioner had personally undertaken an inspection visit to the Democratic Republic of the Congo had offered hope to the refugee populations.
4. While UNHCR was searching for durable solutions to the reintegration of refugees in their home countries, the situation of the host population also needed to be addressed. His delegation hoped that the pilot projects discussed by the New Partnership for Africa's Development (NEPAD) group would take account of the environmental damage which large refugee inflows had caused to his country's ecosystem, particularly its world heritage site, Virunga Park. Did those who remained not also deserve international assistance?
5. The 1951 Convention and 1967 Protocol were indispensable for the management of refugee problems, even if those instruments were in urgent need of improvement. The Democratic Republic of the Congo would continue to do its part to protect those in search of a safe haven, for which it relied on UNHCR's practical assistance.
6. Mr. SOLANO (Guinea) said that Guinea viewed its admission to the Executive Committee as crowning both the efforts it had been making for more than a decade on behalf of refugees and the efforts its Head of State, General Conté, had been making to achieve peace and integration in the Mano River and West African subregion.

7. There were currently some 250,000 refugees in Guinea. While the improvement of the political situation in Sierra Leone had made possible a partial repatriation programme for some Sierra Leonean refugees, renewed fighting in Liberia had caused an influx of approximately 30,000 Liberian refugees in 2002, placing a heavy burden on local host populations and deepening impoverishment and insecurity in vulnerable areas. The international community should do more to address refugee situations as soon as they arose.
8. Since the situation in Sierra Leone had stabilized, international assistance should be provided for UNHCR's programme for the voluntary repatriation and reintegration of the Sierra Leonean refugees in Guinea. The international community should also use its influence to bring an end to the hostilities in the region, thereby facilitating voluntary repatriation and preventing new refugee situations from being created.
9. Guinea's population and environment had been profoundly affected by the protracted refugee presence, which had often undermined the Government's capacity to achieve its development goals. Guinea had furthermore been beset by large internal displacements caused by external attacks and had been forced, in September 2000, to move refugees from border areas for their own protection. The abandoned camp areas were in need of rehabilitation.
10. The Guinean Government was committed to the principle of the right of asylum. It intended to issue all Sierra Leonean and Liberian asylum-seekers with identity cards for their legal protection and had signed a protocol with UNHCR to strengthen their physical protection in camps, using mixed brigades that would be trained with Canadian Government assistance.
11. While the scale of the sexual abuse scandal in West Africa had perhaps been overstated, Guinea was outraged by the incidents and hoped that UNHCR and humanitarian agencies everywhere would act promptly to deal with the perpetrators of such acts.
12. His Government, and particularly General Lansana Conté, paid tribute to the dedicated efforts of the High Commissioner on behalf of the victims of war and disasters and remained ready to contribute to those endeavours.
13. Mr. GABRIELS (Nigeria) said that the search for durable solutions to refugee problems required a multi-pronged approach predicated on addressing the root causes of refugee situations. The international community needed to stem the flow of small arms and light weapons, which only exacerbated conflicts and instability, particularly in Africa, and deepened refugee problems. Developed countries manufacturing such weapons should consider their impact on Africa's fragile social, economic and political environment. To fuel conflict by supplying weapons only to fund the refugee operations caused by the conflict was hardly conducive to finding durable solutions.
14. Conflict and unrest in certain parts of Africa remained a source of concern for the region, producing new refugee outflows and further social and economic instability. In that context, the High Commissioner's proposed "Four-Rs" approach would succeed only if effective action were taken to address the root causes, namely, conflict, poverty and underdevelopment.

15. With regard to refugee protection, his delegation welcomed the Agenda for Protection, which could go a long way towards ensuring respect for the human rights of refugees and asylum-seekers and for the principle of non-refoulement. The recent cases of sexual abuse in West Africa had underscored the need for effective protection mechanisms in refugee camps. Nigeria commended UNHCR for the zealous manner in which it had responded to the problem.

16. Nigeria welcomed the emphasis being placed on the rehabilitation and local integration of refugees. It was introducing a training programme to make refugees more self-supporting, but effective collaboration and assistance from UNHCR, coupled with an equitable system of burden sharing, were also needed.

17. While Nigeria recognized that large numbers of refugees and asylum-seekers placed a heavy strain on the economy of the receiving State, it was nevertheless opposed to forcing refugees to return to their countries and to discriminatory treatment of refugees. The only way to stem refugee flows was to tackle their root causes.

18. Nigeria welcomed the recent successful repatriation, in collaboration with UNHCR, of some Sierra Leonean refugees. Adequate funding was vital to the success of resettlement programmes. UNHCR's recent financial concerns had seriously affected its operations, potentially reversing the gains achieved in the rehabilitation process. His country therefore urged donors and organizations to maintain their financial support for UNHCR and commended the Office for its efforts to reprioritize its spending. However, equal attention should be paid to all refugee situations, in order to avoid the focus being placed on one region or situation at the expense of others.

19. Ms. RUIZ DE ANGULO (Observer for Costa Rica) said that international migration and refugee flows, particularly from Colombia, were a challenge for Costa Rica and its socio-economic development. While refugees needed a prompt solution to their problems, host countries like hers had to respond under pressure, using limited human and economic resources.

20. Costa Rica had established a high-level committee to draw up general guidelines for national migration policy, while it also participated actively at the regional level in migration conferences. Multidisciplinary and inter-agency coordination had been put in place between the relevant ministries and authorities, which were exchanging information and developing coordination mechanisms. While the High Commissioner had recently raised the problem of asylum-seekers in the most industrialized nations, Costa Rica offered the example of a non-industrialized host country in which the costs of addressing large caseloads placed even greater burdens on the State budget. In order to find a prompt solution to the Colombian refugee problem, closer cooperation with UNHCR and more South-South cooperation were imperative. It was vital that migratory flows in age-old democracies such as Costa Rica should not be ignored, even if they involved smaller numbers of refugees than elsewhere.

21. While Costa Rica did not lack the political will to strengthen the legal protection offered to asylum-seekers, it was clear that limited resources hampered the process of status recognition, making it difficult to guarantee asylum-seekers their full dignity.

22. Costa Rica welcomed the introduction of the UNHCR Code of Conduct and efforts to avert the kinds of abuse that had occurred in West Africa. It hoped that its appeals for greater support for countries such as Costa Rica by UNHCR and other United Nations bodies and specialized agencies would be heard.
23. Mr. NTWAAGAE (Observer for Botswana), associating his country with the statement that would be made later by Angola on behalf of the member States of the South African Development Community (SADC), said that Botswana fully endorsed the High Commissioner's "Four-Rs" approach and recognized the need to empower refugees to lead more independent and meaningful lives in the local community. Indeed, it was already encouraging refugees in Botswana to develop self-help schemes and enterprise projects, with priority being given to single women. A number of economic ventures had been launched.
24. The Agenda for Protection represented an important tool that would not only enhance protection, but also strengthen the capacity of States to deal more effectively and holistically with contemporary refugee issues. In that regard, there was an urgent need to assist host developing countries with limited resources through burden sharing.
25. Botswana was proud to have offered sanctuary to refugees from several parts of Africa and pleased that substantial numbers of Namibian refugees had been voluntarily repatriated under the terms of the Tripartite Agreement signed with Namibia and UNHCR. With prospects for peace in Angola brightening, it hoped that the voluntary repatriation of Angolan refugees would soon be effected.
26. His delegation took note with deep concern of the financial difficulties and budget constraints facing UNHCR and appealed to donor countries and agencies to be more generous. It was equally concerned about reports of sexual exploitation and abuse by relief workers in West Africa. Much work would need to be done to restore confidence and faith in UNHCR. However, Botswana welcomed the new Code of Conduct and hoped it would help prevent the recurrence of such incidents.
27. His delegation took note with great satisfaction of the High Commissioner's plans for UNHCR reform. It hoped that gender balance and equitable geographical distribution among UNHCR staff would receive serious attention.
28. Mr. DAZAYI (Observer for Iraq) said that Iraq continued to work in coordination and cooperation with UNHCR to facilitate the repatriation of refugees residing in Iraq and of Iraqi refugees living in neighbouring States. UNHCR had already overseen the voluntary repatriation of thousands of such refugees and the Iraqi Government hoped that it would continue its efforts to find durable solutions to refugee problems in Iraq.
29. Despite the unjust embargo imposed on Iraq and the scarcity of food, medicines and basic supplies for the Iraqi people, the Iraqi Government was doing everything in its power to protect refugees and guarantee them the same food rations and employment opportunities as Iraqis. More UNHCR assistance for the refugees was needed, however, particularly since the current budget was too small to deal with the large numbers involved and was largely absorbed by administrative expenses.

30. The situation in Iraq since the imposition of the unjust embargo in 1990 had led to an exodus of more than 1 million Iraqis. The Iraqi Government was anxious that those people should return to their country and contributed to all efforts towards achieving that objective which necessarily entailed the lifting of the embargo and an end to the human and material losses being inflicted on the Iraqi people.

31. While UNHCR and other members of the international community were doing their utmost to tackle refugee problems throughout the world, one major power was espousing policies that ran completely counter to their endeavours. The preemptive strike theory recently advocated by the United States Administration was laying the groundwork for the launching of unjustified wars and conflicts that would only exacerbate global security problems, including refugee problems.

32. His delegation further stressed the need to find legitimate and legal solutions to the Palestinian refugee problem. The refugees were being subjected to Israeli occupation and repressive policies that violated the principles of international humanitarian law, human rights principles and the international protection afforded to the Palestinian people.

33. Mr. KUSSUMUA (Observer for Angola), speaking on behalf of the Southern Africa Development Community (SADC), said that the birth of the African Union and the establishment of the New Partnership for Africa's Development (NEPAD) were events of historical significance for the millions of refugees and internally displaced persons in Africa. At its inaugural summit in July 2002, the African Union had adopted a resolution on refugees that called for concerted efforts by the international community to assist countries of origin in creating a climate conducive to the safe return of refugees and to provide tangible support to host countries. SADC fully endorsed the appeal the High Commissioner had made at the summit for a vigorous approach to be taken within NEPAD to deal with forcible population displacements and lay the foundations for long-term peace and sustainable development. SADC member States had a long track record of offering asylum to refugees and others fleeing from the atrocities perpetrated by colonial and apartheid regimes, but they needed tangible assistance to alleviate the burden on their meagre resources. Moreover, if the African Union was to draw on the lessons of the past, improve assistance to refugees and find durable solutions, it would need the cooperation of international organizations, including the specialized agencies of the United Nations, and regional institutions such as SADC.

34. Among the positive developments taking place in Africa were the integration of refugee children into local schools, the facilitation of family reunification, the promotion of voluntary repatriation and a pilot scheme in Zambia aimed at empowering refugees to participate fully in local development efforts. While the assistance received from UNHCR and the international community was greatly appreciated, host countries that were battling to cater for the basic needs of their population required more assistance to cope with the growing numbers of refugees. He hoped that NEPAD would usher in a new era in which refugees would be treated as human beings worthy of respect and entitled to a dignified existence and as individuals with a contribution to make to sustainable development.

35. Mr. MLANGA (Observer for Malawi), associating his delegation with the statement made by the observer for Angola on behalf of SADC, said that the number of refugees in Malawi, traditionally a host country for refugees from the Great Lakes region, had more than doubled in the past year and continued to rise steadily. The humanitarian challenges posed by that situation had been exacerbated by a widespread famine caused by erratic climatic conditions, but, with the assistance of UNHCR and other partners, his Government had been able to ensure that the refugees received the usual food and material assistance.

36. Although Malawi's reservations to the 1951 Convention relating to the Status of Refugees created a legal framework that did not favour local integration, its reservations on education and engagement in income-generating activities had in practice been set aside and his Government was considering withdrawing those reservations and was in the process of updating refugee legislation. In the light of the recent revelations of sexual exploitation in some refugee camps in West Africa, his Government had also put in place appropriate preventive and response mechanisms to protect refugees from sexual exploitation and gender-based violence. It would continue to cooperate with UNHCR and other partners to enhance refugee protection, particularly by empowering refugees to participate in the development process, not only during the years of asylum, but also in the reconstruction phase after repatriation.

37. Mr. SIMONIN (Sovereign Order of Malta) said that the Sovereign Order of Malta benefited greatly from its cooperation with UNHCR in different parts of the world. In the Balkans, for example, thanks to its partnership with UNHCR, one of the Order's largest branches, the German Malteser Hilfsdienst, had organized a number of major projects to reintegrate returnees in both Kosovo and Bosnia and Herzegovina. In Afghanistan, the same branch had rebuilt four schools for girls in Herat since October 2001. Although there were signs that things were returning to normal in the cities, the situation in the more remote areas of the country gave cause for concern. There was a risk of a new exodus of the repatriated population from those areas if urgent assistance was not provided. In the province of Badghis, the Order was concentrating on rebuilding the health system, as access to basic health care was a vital factor in stabilizing and reintegrating returnees. The Malteser Hilfsdienst, sponsored by the German Ministry of Foreign Affairs, also provided a medical team to provide medical care for international and local staff members of the United Nations Assistance Mission in Afghanistan and for the Afghan police in Kabul. Paramedics on the team had recently begun to give first-aid courses at the new police academy in Kabul. All the Order's projects in Afghanistan, whether carried out independently or in cooperation with others, were aimed at rehabilitation or infrastructure-building and, thus, the reintegration of returnees. He looked forward to continued cooperation with UNHCR, which had proved its worth in Afghanistan and deserved the full support of the international community.

38. Mr. CHARPENTIER (United Nations Development Programme (UNDP)) said that the subjects covered in the general debate were particularly relevant to the efforts being made within the United Nations system to enhance its performance in crisis and post-crisis environments. A comprehensive reintegration strategy was needed to strengthen both the adaptive capacity of returnees and the absorptive capacity of receiving communities and to facilitate the transition from relief to self-sustained development. Examples of concerted action by UNDP, UNHCR and the World Bank already existed in several parts of the world. In Sri Lanka, those three organizations had been actively involved in supporting peace-building and recovery plans, while

a joint mission had been proposed by UNHCR, UNDP and the International Labour Organization to build up the economic capacity of communities to receive returnees and former combatants. In Eritrea, the UNDP post-war recovery programme had been providing social services for war-affected returnees and cooperating with UNHCR in the transitional security zone to enhance the community's capacity to absorb refugees returning from the Sudan. In Burundi, UNDP and UNHCR had set up a joint reintegration team that operated from the premises of the Office for the Coordination of Humanitarian Affairs and assisted the national committee for the reinsertion of vulnerable people. The team was an example of how key partners could cooperate in supporting government efforts to address the challenge of moving and reintegrating large numbers of refugees and internally displaced persons.

39. Mr. MOUNTAIN (Office for the Coordination of Humanitarian Affairs (OCHA)) said that the consolidated appeal process was working better than ever. Together with the Common Humanitarian Action Plan, it had become one of the strategic planning tools of the humanitarian community. The success of the 2002 appeal should, however, not obscure the act of humanity that underlay the process: each of the 40 million people benefiting from the \$2.2 billion raised was a real person with real needs. Nor should its success be allowed to obscure two discrepancies in the way that resources were mobilized for countries in crisis. One was the discrepancy between the emergencies that captured the imagination of donors and those that did not: in the past 10 years, the two highest profile emergencies had captured almost as much funding as the rest of the emergencies in the world combined. There had been a failure to ensure that equal assistance was provided, even roughly, according to equal need. For example, donors had funded well over half of the 2002 appeal for Afghanistan, but less than a third of the more modest appeal for the Democratic Republic of the Congo. The other discrepancy was the one between the generous response to the provision of food aid and the declining response in almost all other sectors. Even one of the beneficiaries of that discrepancy, the World Food Programme, argued that there was often a diminishing return on food aid when food was provided without, for example, medicine or drinking water or without clearing mines.

40. The main achievement of the Inter-Agency Standing Committee and its Working Group, of which he was chairman, had been to bring about greater coherence among the humanitarian community by bringing together the United Nations family of organizations, non-governmental organizations and the Red Cross movement. Its key objective was to support colleagues in the field and it had been especially concerned with keeping open the space for humanitarian operations in conflict situations. It had provided guidelines on inter-agency contingency planning and security arrangements and had responded to concerns over internally displaced persons by setting up special units. One of its major achievements had been the development and implementation of the system of humanitarian coordinators, which had helped attract greater attention to humanitarian needs and strengthen field coordination. One of the key challenges facing the Committee remained the protection of civilians in armed conflict. In that connection, the establishment of a task force on protection from sexual exploitation and abuse was an example of a timely inter-agency response to problems as they arose. The six core principles developed by the task force had been endorsed by member agencies and the time had come to ensure that those principles were put into practice. He welcomed the High Commissioner's renewed emphasis on tackling the transition from relief to resettlement and reconstruction; rehabilitation activities needed to be foreseen from the outset of any relief operation and the issue of transition needed to be tackled vigorously by all agencies and donors.

41. Ms. DUCCI (International Labour Organization (ILO)) said that millions of people returning to their countries of origin needed work to rebuild their lives. Accordingly, the ILO focused on job promotion and skills training as a central component of reintegration, rehabilitation and reconstruction programmes. The asylum-migration nexus should be seen in the context of accelerated human mobility on a global scale. Certain features of globalization had accelerated migration pressures and forced people to flee situations in which economic or social conditions made it difficult or impossible to lead a normal life. It was increasingly hard to distinguish between refugees as defined by the 1951 Convention and persons who had been displaced owing to other compelling circumstances or lack of security at home. Much of the available data on migration flows did not indicate the motivation for departure. Many people in “mixed flows” could in fact plausibly be categorized as refugees, yet for a variety of reasons they chose not to identify themselves as such; they were normally categorized as migrant workers. Officially recognized refugees faced problems similar to those of regular or immigrant workers. Upon being authorized to work, refugees were not differentiated from other immigrants. Most manifestations of xenophobic violence made no distinction as to the legal status of the victims.

42. The ILO and UNHCR shared many concerns. Policy areas that involved both refugee and labour migration factors included the establishment of mechanisms for regular migration other than through asylum regimes; the incorporation of migration and refugee policy concerns in development, aid and investment policy; the regularization of long-term migrants; and the enactment of legislation to combat discrimination against non-nationals.

43. For its part, the ILO intended to make labour migration a central theme for discussion at the International Labour Conference in 2004. Deliberations on the international governance of migration had also been included in the agenda of the World Commission on the Social Dimensions of Globalization. The ILO had expanded its cooperation with UNHCR in recent months, for example by instituting a crisis response programme to promote employment-friendly reconstruction, help save existing jobs and create new ones. There would be many opportunities in the future for shared research, the formulation of policy options, cooperation in training and the implementation of project activities.

44. Mr. BELGASMI (World Food Programme (WFP)) said that the working arrangements between WFP and UNHCR had been widely praised by the international community as a fine example of effective and efficient cooperation between United Nations agencies that had been thoroughly tested in many difficult situations. WFP and UNHCR had agreed to strengthen their cooperation in field operations by preparing joint plans of action and bilateral and tripartite agreements with non-governmental organizations (NGOs); carrying out needs assessment missions emphasizing non-food needs; providing partners with more regular updates on beneficiary statistics and elaborating joint approaches to donors and public information; adopting a code of conduct to prevent the sexual exploitation of beneficiaries; addressing the problems of protracted refugee operations and self-reliance of refugees; adopting a clear commitment to gender and age considerations in all aspects of assistance; and recognizing the impact of HIV/AIDS on the socio-economic situation of beneficiaries. In spheres such as staff security, training and resource mobilization, the two agencies had pooled their expertise to ensure that joint operations were managed in a more cost-effective manner. However, the lack of funding for humanitarian operations continued to be a serious problem.

45. Ms. CONTAT-HICKEL (International Committee of the Red Cross (ICRC)) said that the Agenda for Protection specifically referred to the role played by ICRC in addressing the security concerns of refugees and, in particular, the separation of armed elements from refugee populations. ICRC and UNHCR had cooperated in the past and would continue to work together closely in order to tackle the problem. On the operational side, ICRC had sought to ensure that victims of armed conflict and internal violence received proper protection and assistance, whatever their circumstances. Because armed conflict had become the principal cause of population movements, a large proportion of ICRC's activities were now carried out on behalf of internally displaced persons and refugees. Three theatres in which ICRC had been particularly active of late were Afghanistan, Israel and the occupied and autonomous territories, and Angola.

46. Also of concern to ICRC was the right of families to know the fate of their loved ones who had gone missing during armed conflicts or internal disturbances. ICRC sought to prevent disappearances, restore family ties and ascertain the whereabouts or fate of persons unaccounted for. An international conference of governmental and non-governmental experts on precisely that topic was planned for 2003.

47. Mr. THOMSONS (International Federation of Red Cross and Red Crescent Societies (IFRC)) said that IFRC was not mandated to protect any specifically defined group of persons; it was instructed by States through the process of the International Conference to care for the interests of people whose vulnerability required measures of assistance and protection, including refugees, internally displaced persons and regular and irregular migrants. IFRC was alarmed by the increasing numbers of people who had left their countries and were not eligible for international protection under the terms of the 1951 Convention. It was concerned for those who had not fled persecution specifically and were not victims of armed conflict, but who, for a variety of reasons, found themselves in situations of extreme vulnerability like refugees.

48. Faced with huge numbers of people on the move, States had increasingly resorted to policies of exclusion, which tended to drive migration into the hands of traffickers and smugglers. The problem of undocumented migration could be resolved only if States developed fair, transparent and humane migration policies that sought to address humanitarian needs in an evolving economic and social context. Cooperation with UNHCR was an important component of such an approach. Discrimination was another important theme: documented cases of xenophobia all over the world had increased dramatically during the past 10 years. Another fear - terrorism - had arisen recently. Such fears tended to cloud the judgement of politicians responsible for developing migration policies and often contributed to a vicious spiral of xenophobia, racism and discrimination. Accordingly, IFRC had launched various programmes to promote tolerance and fair and humane policies in receiving countries and to assist and protect vulnerable migrants, asylum-seekers and refugees.

49. Ms. GITARI (International Council of Voluntary Agencies (ICVA)) said that the Executive Committee was meeting against the backdrop of an ongoing protection crisis. Many refugees and asylum-seekers were being treated as criminals and, in some cases, had been detained indiscriminately in breach of international human rights standards. All too often, asylum had turned out to be an empty promise and effective protection and durable solutions were something of a rarity.

50. Lack of funding remained a chronic problem. When UNHCR was inadequately funded, the task of providing refugee protection was undermined, not least by serious personnel shortages. Donors must recognize that UNHCR could not fulfil its mandate without sufficient resources. ICVA welcomed the Agenda for Protection while recognizing that it was not a blueprint for solving all protection problems. The “Convention Plus” concept required some clarification and elaboration. If it sought to prevent movements of refugees from countries of first asylum where their human rights were not protected, it might unnecessarily curtail the right to seek and benefit from asylum. Accordingly, ICVA would welcome the establishment of a forum for discussion on how best to implement the Agenda for Protection. Strong measures should be taken to end the prevailing culture of sexual violence against refugees and internally displaced persons in camps. Approaches to the question of onward movements must be based on the assumption that, as long as refugees were unable to obtain effective protection, they would continue to move and such flows should be considered primary, not secondary, movements. NGOs were very concerned about the continuing development of practices to deter and punish asylum-seekers; in that connection States should note that article 31 of the 1951 Convention most emphatically did not sanction collective punishment.

51. The member States of the Executive Committee were bound to ensure that UNHCR was adequately resourced to fulfil its mandate, yet they were only partially addressing the protection needs of millions of vulnerable people, the majority of whom had little hope of a durable solution to their problems. States’ actions and policies that blatantly violated the core principles of the 1951 Convention were incompatible with those same States’ participation in the Executive Committee. Some Governments had alleged that they had had to make hard choices. Yet there could be no choice about human rights, which were not expendable legal niceties or a lifestyle option. They were the bare minimum agreed by States as necessary to protect the safety, dignity and integrity of all individuals from excesses and abuses of power.

52. The CHAIRMAN, summing up the general debate, said that the Agenda for Protection had obviously been a prominent theme. Many delegations had noted that it was not a legally binding document, but they were prepared to commit themselves to the goals which it articulated. The need to set priorities at the implementation phase had also been emphasized. The “Convention Plus” concept introduced by the High Commissioner had received considerable support. The themes of some of the “special agreements” that might supplement the Convention were: misuse of asylum procedures, trafficking, secondary movements, providing solutions in regions of origin and arrangements for burden sharing. The proposal to establish a forum to elaborate such agreements had also been welcomed by delegations. Wide participation was seen by many as an important legacy of the Global Consultations process. The need to ensure a linkage between the forum and UNHCR’s existing governance structure had also been acknowledged.

53. It was particularly gratifying to note that African States were poised to take responsibility for the continent’s well-being, as evidenced by the revitalized African Union and NEPAD. The majority of delegations had recognized and commended UNHCR’s efforts in the past year to facilitate the repatriation of Afghan refugees and displaced persons. The time had now come for UNHCR and the international community to take up the challenge of reintegration. States had

welcomed the systematic promotion and realization of sustainable reintegration not only in Afghanistan, but throughout the world. Several delegations had pointed out that, while assistance to Afghanistan was essential, other refugee crises should not be neglected.

54. The issue of local integration had also figured prominently. At the High Commissioner's prompting, heightened recognition had been given to development through local integration, which sought to build awareness of the economic potential of refugees for host countries and receiving communities. However, a number of delegations had pointed out that such an approach was difficult or impossible to implement in mass influx situations and that, by and large, voluntary repatriation was the most desirable solution not only for host States, but also for refugees themselves. That said, States had also advocated expanded resettlement opportunities as a means of broadening the scope of existing burden sharing agreements.

55. Durable solutions could not be achieved without addressing the root causes of refugee movements, namely, extreme poverty, political instability, humanitarian crises resulting from natural disasters and the impact of HIV/AIDS and other diseases. Those causes had to be tackled by States in partnership with each other, for example through NEPAD or the Zambia initiative. UNHCR had also been encouraged to expand its partnerships with development actors and humanitarian agencies and to conclude a strategic alliance with the International Organization for Migration (IOM).

56. Moving from a "coalition of the willing" to a more multilateral organization was considered essential if UNHCR was to adapt to the challenges of modern times. While there was a need for more detailed and transparent dialogue on certain elements, including linkages with other new initiatives, it appeared that the UNHCR 2004 process was on the right track.

57. Several States had expressed concern about the alleged occurrence of sexual exploitation, but the Office's response to date had been praised and the Code of Conduct welcomed. The internal management reforms set in train by the High Commissioner had also received a positive response. Funding, however, remained a chronic problem. The primary responsibility for funding lay with States. Numerous appeals for more money, including calls for the full funding of UNHCR's annual programme budget, had not been heeded. The endorsement of innovative approaches to funding, including the broadening of the donor base, pursuing complementary sources and expanding efforts to engage the private sector, might provide some relief. But it was vital that States should release sufficient resources and that they should do so through UNHCR, thereby demonstrating their commitment to multilateralism.

REPORTS ON THE WORK OF THE STANDING COMMITTEE (agenda item 6)

(a) INTERNATIONAL PROTECTION (A/AC.96/965 and Add.1)

58. Ms. FELLER (Director, Department of International Protection), introducing the Note on International Protection (A/AC.96/965), said that she had three messages to convey. Firstly, the problems of refugees were in the first instance human rights problems. According to the classic definition, a refugee could be a persecuted person who had been denied her human rights or

someone who found herself unable to continue to live in safety where she was, owing to the threat of war or civil disturbance. Flight to asylum was the only realistic option in order to protect her and her family's right to life, security or physical integrity.

59. Secondly, many of the current dilemmas relating to the protection of refugee rights had their roots not in the regime of rights itself, but, rather, in the confusion about who was responsible for protecting those rights. Thirdly, the Agenda for Protection (A/AC.96/965/Add.1) was intended to provide a framework to assist in determining such responsibilities.

60. In recent years, more States had acceded to the Convention and the Protocol and enacted legislation; many refugees did in fact have access to adequate protection; and an end to conflict meant that many others had been able to return home or could now look forward to doing so. Yet, despite such positive developments, the Note presented a somewhat sombre picture overall. The tradition of granting asylum liberally to those fleeing persecution or conflict was on the wane, particularly in the face of mass inflows, which were seen as a threat to stability and tended to provoke hostility, if there was little prospect of early repatriation. Conversely, return could be prompted by inhospitable conditions in host countries as much as by changes at home and many of those who returned found their countries weakened after war, with unstable human rights situations and few basic necessities.

61. In cases of protection failure, UNHCR attempted to improve its own performance, particularly with regard to accountability and resource allocation. However, a major factor in such situations was States' failure to bear their own share of the responsibility. A State's refusal to register refugees, for example, could result in a lack of freedom of movement, arbitrary detention and sometimes fatal delays in access to medical care; while a climate of impunity might encourage abuses on the part of local security forces or tempt officials to seek payment - in cash or even sexual favours - for services that should carry no charge. Many tragic individual cases, too, reflected badly on the quality of asylum available.

62. UNHCR had long acknowledged the importance of reconciling States' own interests and their international responsibilities and the purpose of the Global Consultations on International Protection had been to find ways of doing that. The Agenda for Protection crystallized the outcome of that process. In direct response to current asylum dilemmas and in an effort to redress the very real inequalities in assistance and protection levels among States in the developed and the developing world, it encouraged the prevention of sexual and age and gender-based violence, the empowerment of refugee communities for their own protection, greater respect for the civilian nature of asylum and the clarification of standards in procedures. It also attempted to promote understandings on protection safeguards in rescue-at-sea, in order to repair the cracks in a time-honoured maritime tradition.

63. The Agenda was not a priority-setting blueprint for global action, but a strategic policy document. Certain follow-up actions could be taken by the Standing Committee or UNHCR headquarters, while others would have to be decided at the field level according to requirements on the ground. It was also, however, a framework for action by States, whose level of determination would be a key factor in the realization of many of its objectives.

64. The implementation of the Agenda would be assisted by the Protection Forum, which would be an intergovernmental mechanism to allow expert discussion of the “Convention Plus” special agreements and provide guidance to the Executive Committee. It was important to note that the purpose of the Forum was not to organize academic discourse or establish a new layer of governance; nor was the intention to move protection away from the Executive Committee.

65. The Agenda encouraged UNHCR to strengthen its own delivery of protection through improved management in several areas, in each of which the Department of International Protection had assumed particular responsibilities. In terms of staffing, for example, a number of additional protection and community services posts had been created despite the difficult financial situation; one of the two protection learning programmes offered by the Department aimed to help staff prevent and respond to sexual and gender-based violence; and progress had been made in setting standards to guide UNHCR offices in establishing procedures for processing applications for asylum or resettlement.

66. The expansion of resettlement as a tool of international protection and a durable solution would remain a key activity for the Department and a senior consultancy had been established to help bridge headquarters policy development and programme implementation in the field. Integration was an equally important goal, however, and UNHCR had recently issued a handbook on reception and integration of resettled refugees, which represented an exemplary joint venture between Governments, NGOs and UNHCR.

67. UNHCR increasingly heard that the protection regime for which it was responsible was no longer adequate to deal with the problem. On that, UNHCR’s position was clear: the 1951 Convention was an instrument for the protection of the rights of a particularly vulnerable group of non-citizens, not a migration control tool, and, rather than hold it accountable for any limitations in relation to problems it had not been designed to deal with, the challenge was to clarify its place in the modern world, in particular with regard to the asylum-migration nexus. At the same time, the Convention did not hold all the answers. In particular, it said almost nothing about who actually had the responsibility for protecting those rights. The key to ensuring protection for those who needed it lay in developing approaches that balanced rights and responsibilities, allowed responsibilities and burdens to be shared and, ultimately, enabled States to identify to whom they owed protection responsibilities and to whom they did not and what those responsibilities were.

68. Mr. SJÖGREN (Sweden) said that his delegation strongly supported the three messages conveyed by Ms. Feller in her statement. It particularly welcomed her emphasis on protection management within UNHCR. Sweden was committed to making an active contribution to the follow-up of the Agenda for Protection.

69. It was important not to lose the momentum provided by the Global Consultations and his delegation would like the Executive Committee to continue to provide a framework for inclusive and comprehensive discussions on protection. It also invited the High Commissioner to keep the Committee informed, through the Standing Committee, of progress in the implementation of the Agenda for Protection.

70. The proposals for a new Protection Forum and the concept of the “Convention Plus” fell clearly within UNHCR’s mandate, insofar as they would help the High Commissioner promote the execution of measures calculated to improve the situation of refugees through special agreements with Governments.

71. In situations where complementary forms of protection were needed and there were a number of different grounds to be taken into account, Sweden’s experience had shown that a single procedure was the best solution. Gender-based persecution should be covered by the definition in the Convention.

72. His delegation encouraged UNHCR to continue providing support for legislative reform and capacity-building, which was of great importance in increasing respect for human rights and for the Convention, as well as in creating new protection opportunities in countries that otherwise lacked the necessary resources. It also contributed to reducing secondary movements.

73. With regard to the protection needs of refugee women and refugee children, Sweden shared the view that the challenge was to ensure the effective implementation of existing norms rather than to undertake a review of standards. His delegation looked forward to information on progress in the plan of action being developed in the light of the May 2002 independent evaluation report on UNHCR’s activities for refugee children.

The meeting rose at 6 p.m.