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Summary record of the 644th meeting

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Chairperson: Mr. Woolcott.....(Australia)

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

Consideration of reports on the work of the Standing Committee

(a) International protection (A/AC.96/1080, 1084, 1085, 1092 and 1094)

1. **Ms. Feller** (Assistant High Commissioner for Protection), introducing the Note on International Protection (A/AC.96/1085), said that refugee protection was a concern for all States, which must share the responsibilities and burdens involved. Ten years previously, serious gaps in the international protection system had become evident, but the situation had improved somewhat since then. Firstly, the Agenda for Protection and the 10-Point Plan of Action had enabled States and the Office of the United Nations High Commissioner for Refugees (UNHCR) to establish priorities for action, particularly with regard to the protection of women and children, repatriation, statelessness and local integration, in addition to the management of asylum and migration-linked movements. UNHCR had focused its efforts on the plight of persons in situations of protracted displacement and had formulated and implemented an urban refugee protection policy.

2. There had been encouraging developments in some regions, particularly in Uganda, where some 1.7 million displaced persons had been able to return home and camps had been closed, and in the United Republic of Tanzania, where some 162,000 Burundian refugees had been naturalized. Industrialized countries attracted large numbers of asylum-seekers; in Europe, North America and Oceania, in 2009, 150,000 people had received protection under the Convention or subsidiary protection and 84,000 people had benefited from resettlement programmes established in 24 countries. However, needs were far from being met. Consequently, UNHCR had launched a project in 2010 aimed at increasing by 10 per cent the number of people benefiting from resettlement places.

3. Nevertheless, insecurity, violence and the countless human tragedies caused by conflicts, natural disasters, wrongful refoulement, the legal vacuum created by statelessness, the deliberate decline of some asylum systems and violations of fundamental rights, remained a grave concern for the international community. In some parts of the world there were even reports of a "normalization of violence". For example, on Mexico's southern border irregular migrants took it for granted that they would be subjected to abuse, which could range from kidnapping for the purpose of extortion to rape or even murder.

4. The protection needs of asylum-seekers and urban refugees were growing as their numbers increased, while repatriation or resettlement measures benefited but a few. Many asylum systems did not take the needs of child applicants sufficiently into account and at times legitimized the automatic repatriation of children without consideration being given to the situation in the country of return. Education could greatly facilitate the integration of refugees hoping to settle in a host country and could help to forestall numerous human rights violations, such as the forced early marriage of girls or the recruitment of young boys by armed groups. Educational opportunities in refugee camps were poor, given the lack of qualified teachers and high school drop-out rates.

5. It was of grave concern that refugees were all too often detained, in deplorable conditions, and that the justice system ignored their conditions of detention, to the point that, in some countries, criminals enjoyed more due process safeguards than asylum-seekers. UNHCR encouraged the initiatives taken in some countries to promote alternatives to detention.

6. On the eve of the sixtieth anniversary of the Convention relating to the Status of Refugees, there was a clear need to strengthen the protection framework, to mobilize support to reduce statelessness and to promote solidarity with displaced and stateless persons.

7. UNHCR regularly worked in regions where the institutions that were supposed to safeguard the rule of law either no longer existed or had lost all legitimacy and where widespread insecurity made it virtually impossible to make any claim to justice or protection. It attached great importance to the right to housing and to the fight against impunity, which were two fundamental elements of a refugee protection framework. In the context of the commemoration of the sixtieth anniversary of the Convention, UNHCR planned to review complementarities between human rights bodies and international criminal law institutions in order to determine how best to end impunity. The problem of impunity was particularly acute in cases of sexual and gender-based violence. It could only be regretted that Security Council resolution 1325 (2000), on the subject of women, peace and security, was not more widely honoured. Standard operating procedures had been established in 90 per cent of refugee camps run by UNHCR to end such violence.

8. The adoption of a cluster approach to respond to the needs of internally displaced persons had made it possible to identify gaps in the overall humanitarian response arrangements, to avoid duplication and to better agree on the support needed. Governments and local actors would benefit from being more involved in protection efforts and activities. The involvement of States was in fact crucial to the success of UNHCR activities. It was primarily for States to decide to whom protection was to be given, but they were often reluctant to do so, owing to a lack of capacity or expertise. UNHCR therefore assumed a large share of the responsibility for processing applications for asylum or protection, such as applications for refugee status determination, which, in 2009, had represented 12 per cent of total claims worldwide. UNHCR would continue with its training and capacity-building activities aimed inter alia at expediting the processing of asylum applications. To date, 16 European countries had engaged in a quality initiative project to improve the quality of their asylum systems. The procedures and processes involved in refugee status determination required specialized skills that were sometimes lacking even within UNHCR, which counted on the support and cooperation of States to build capacity in that regard.

9. Security in host States was another major issue of concern. UNHCR was currently reviewing its practices on exclusion from refugee status and information sharing and was strengthening monitoring capacity and the use of biometrics. Ensuring respect for human rights could certainly be reconciled with security imperatives, as the two were mutually reinforcing. Yet States sometimes gave higher priority to security considerations, even on occasion closing their borders to refugees or amending legislation in order to restrict access to asylum procedures. UNHCR considered that criminalizing asylum-seekers would not solve security problems and that the integrity of the international protection regime could be maintained while taking security issues into consideration.

10. UNHCR intended to review and update its practices to take account of current realities, such as contemporary forms of persecution. In that connection, it had recently organized a round-table discussion to raise awareness of the plight of people fleeing persecution due to their sexual orientation or gender identity.

11. The availability of precise, updated information was a major asset for UNHCR and the Office would spare no effort to improve the accuracy and relevance of the information that it made available to all.

12. In May 2010, UNHCR had held a discussion with officials from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on improving synergies in order to enhance protection for Palestinian refugees, as those covered by the UNRWA mandate were not provided for under article 1, paragraph D, of the 1951 Convention, although UNHCR did give assistance on a case-by-case basis to Palestinian refugees residing outside UNRWA areas of operation, in particular those previously residing in Iraq.

13. Movements of undocumented migrants posed serious problems; undocumented migrants could often claim refugee status in countries of arrival. It was regrettable that the media and the public were not more aware of the human realities behind migration and that asylum-seekers were frequently stigmatized and rejected. UNHCR had observed that a policy of border closures did not resolve the problems of illegal entry but merely shifted the points of entry for migrants.

14. Irregular migratory movements were of concern to UNHCR, as they compromised international efforts to provide appropriate solutions for refugees. Refugee camps, sometimes used as mere way stations for those on long journeys, were increasingly targeted by traffickers as they offered an abundant source of labour. Camp management therefore needed to be rethought in the light of the principles of burden sharing and international solidarity that underpinned the 1951 Convention. One path to better burden sharing could be the regionalization of refugee protection agreements; Africa had proved itself in that regard, concluding agreements that promoted freedom of movement within a common economic framework, such as the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC). The challenge was to ensure that the principle of non-discrimination was respected at all times.

15. The Convention, which clearly defined the term “refugee” and recognized refugee rights, did not explicitly require States to ensure that all refugees found a country of asylum in those States or elsewhere. Based on the notion of international solidarity, the Convention offered various solutions for assisting refugees but did not include any measures or guidance to ensure their proper implementation or any clear definition of responsibilities with regard to the protection of displaced persons.

16. The sixtieth anniversary of the Convention offered an opportunity to reflect on how to strengthen the international protection regime and, in particular, on how to develop responses to new environmental challenges and large-scale ecological upheavals that gave rise to displacement scenarios not envisaged in the Convention. At 60 years of age, UNHCR must adapt and look to the future in order to respond to those new challenges.

17. **Mr. Bonser** (Canada) said that there had been a significant development in the refugee protection mechanism of Canada in 2010. A law had been adopted in June 2010 to reform the refugee programme and offer better protection to asylum-seekers by allowing them to appeal against a negative decision by a court of first instance and to benefit from an assisted voluntary return system, should their application be turned down definitively. Those initiatives were intended to combat human trafficking and the exploitation of asylum systems, since human trafficking sometimes opened the way for abuse of asylum systems.

18. Although new difficulties were arising in refugee protection, Canada had made some progress on protection of urban refugees and persons with disabilities. It considered that persons in protracted situations of forced displacement should be given high priority and welcomed the important role played by small coalitions, such as the Core Working Group on Bhutanese Refugees in Nepal.

19. The new Canadian legislation would make it possible to increase the number of refugee resettlement places by 20 per cent over the coming years. However, as resettlement was not a durable solution for most refugees, it was crucial to establish effective protection systems and enabling environments in home and host countries, particularly in view of the numerous cases of refoulement during the past year. National and regional protection regimes should be strengthened and countries without a national refugee status determination system should establish one.

20. Canada supported UNHCR efforts to combat racial discrimination and xenophobia, which could threaten the protection environment. It also supported initiatives to establish welcoming communities for displaced populations around the world. It welcomed the

adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and the publication of the Handbook for the Protection of Internally Displaced Persons. It noted, however, the need to continue to mainstream internal displacement issues in the activities of UNHCR and the humanitarian system. It furthermore commended UNHCR for its important role in the cluster system, particularly during the current crisis in Pakistan.

21. **Mr. Hilale** (Morocco) drew the attention of UNHCR to the arrest in September 2010 of Mr. Moustapha Salma Ould Mouloud, Inspector-General of the Polisario police, a refugee who had lived in the Tindouf camp in Algeria since 1979. In August 2010, he had gone to his home town, Smara, and, at a press conference, expressed his support for the Moroccan initiative on autonomy for the Sahara. He had then decided to return to Tindouf, but had been arrested when re-entering Algerian territory. According to his family, he was subjected to torture by members of the Polisario, supervised by the Algerian officers who had ordered his arrest. Mr. Ould Mouloud had committed no crime save having expressed his opinion. As host country, Algeria was responsible pursuant to the 1951 Convention relating to the Status of Refugees for his detention. By its actions, Algeria was violating the right to freedom of expression and of movement in Tindouf. Morocco called on Algeria to release Mr. Ould Mouloud immediately.

22. Moreover, Algeria and the Polisario had blocked the resumption of the family visits between the population of the Tindouf camps and their relatives in the Moroccan Sahara that had been scheduled by UNHCR to take place on 17 September 2010. Such obstruction of confidence-building measures was a violation of United Nations Security Council resolution 1920 (2010). It was regrettable that Algeria should take such action, which would jeopardize political negotiations over the Moroccan Sahara and the Moroccan autonomy initiative. Morocco reiterated its call for the immediate resumption of confidence-building measures.

23. **Mr. Felten** (Germany) said that an increasing number of humanitarian protection and assistance operations were taking place in high-risk environments. Humanitarian actors were faced with a dilemma: reconciling their desire to assist victims with their responsibility to ensure the security of their personnel. At times, they were obliged to pull out of conflict situations. Nevertheless, innovative approaches could be taken to enable them to continue their activities. Such approaches included threat analysis, cooperation and the exchanges of information and assessments between humanitarian partners or the establishment of procedures that could be adapted to changing environments. The Office for the Coordination of Humanitarian Affairs (OCHA) and UNHCR played an important role in that regard.

24. Germany welcomed the strong guidance provided by UNHCR on statelessness and the Office's substantial work on advocacy and assistance in that domain. While birth registration was a key element of strategies to prevent statelessness, 50 per cent of refugee children were not being registered and thus risked exclusion and abuse. Strong political will on the part of the States concerned and the support of UNCHR were important in that regard.

25. Noting the persistence of protection gaps, due to changing forms of displacement, in particular those linked to climate change, he called on the humanitarian system to prepare itself better to deal with that situation. Relevant data were available but needed to be collected and analysed systematically in order to identify emerging trends and develop effective strategies. In particular, decisions were needed on the distribution of roles and responsibilities among humanitarian actors to meet those new challenges.

26. **Mr. Larsen** (Denmark) said that his Government appreciated the non-binding nature of the UNHCR guidelines on countries of origin and refugee populations and took them

carefully into consideration when deciding on individual cases. In the European Union, final decisions on asylum were taken by an independent appeal body, which played a fundamental role in maintaining the integrity of the asylum system. In his view, decisions to grant protection should be made on a case-by-case basis, not solely on the basis of general guidelines, a point that UNHCR should take into consideration when elaborating guidelines.

27. Denmark welcomed the conclusions adopted by the Executive Committee on refugees and persons with disabilities. The key mandate of UNHCR was to provide protection against all forms of persecution and guarantees were needed to ensure that disability did not exclude people from protection.

28. Like many European States, Denmark had registered a sharp increase in the number of unaccompanied minors, particularly from Afghanistan, who were seeking asylum. Those young people were at high risk of facing problems and abuse and the measures taken to deal with them must, therefore, include minimum safeguards. A swift and effective procedure for deciding whether a minor was allowed to remain or must return was needed. Denmark was establishing more effective mechanisms for tracing family members. Another initiative involved the establishment of reception and care facilities in countries of origin to support the reintegration of children into their families. Denmark was of the view that most States should embark on resettlement programmes and welcomed the increase in the number of countries that had done so recently.

29. **Ms. Asakura** (Japan) said that her country was gravely concerned by the problem of protracted refugee situations. A broad range of assistance that included improvements to conditions in the region of origin was needed if a larger number of refugees were to return home. The Japanese Government believed that a seamless transition from humanitarian aid to development assistance was fundamental in that regard. She drew attention to the collaboration between UNHCR and the Japan International Cooperation Agency (JICA), which had implemented field projects in 30 countries to date. It was to be hoped that cooperation between UNHCR and its development partners would continue to be strengthened in the future.

30. Her Government considered remote management, which was being implemented in high-risk areas, as an indispensable tool for the provision of assistance, even if it created some difficulties, in particular for effective monitoring and the security of local staff. It, therefore, urged UNHCR to develop policies and guidelines on remote management without delay. UNHCR must take the global lead in operations for the protection of persons displaced by natural disasters, given its considerable experience in addressing such situations. However, the subject should be discussed further and the views of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), OCHA and the Inter-Agency Standing Committee should be sought.

31. **Mr. Gram-Johannessen** (Norway) said that Norway had adopted a new immigration law in January 2010 that provided a broader definition of the term "refugee" and dealt with subsidiary protection.

32. Norway welcomed the efforts of UNHCR to resolve the problem of migration by unaccompanied children, who were often victims of trafficking. Some 15,000 unaccompanied or separated children had claimed asylum in 2009, of whom 2,500 had applied in Norway. To discourage even more children from taking the risks involved in migration, a fair and dignified procedure should be put in place to allow for the return of children who did not need protection measures.

33. Observing that the gay, lesbian, bisexual and transsexual community was an at-risk group requiring international protection, he welcomed UNHCR activities to facilitate

cooperation between asylum countries in order to respond better to the needs of that particular group. Moreover, UNHCR should build on progress made with regard to internally displaced persons by helping those countries that had not yet done so to adopt specific laws and policies on that population group.

34. **Mr. Alfredsson** (Sweden) said that Sweden supported the quality initiative projects carried out by UNHCR in cooperation with a number of European Union member States. In Sweden, the project aimed at strengthening national asylum procedures and enhancing the quality of decision-making. The establishment of a common European asylum system was an important objective for the European Union.

35. Resettlement was another area in which the European Union could make a useful contribution, and Sweden hoped that the European institutions would soon reach agreement on a joint resettlement programme. His Government appreciated the support that it had received from States, non-governmental organizations and UNHCR during the previous year as Chairman of the Working Group on Resettlement and the Annual Tripartite Consultations on Resettlement. A more strategic use of resettlement could contribute to making it a key tool in resolving protracted situations, by increasing protection space in regions where large refugee populations resided.

36. **Mr. Hassan** (Egypt) noted with satisfaction that the Assistant High Commissioner for Protection had mentioned the tragic plight of Palestinian refugees and recalled that some of that group were covered by the mandate of UNHCR. The Office therefore had a significant role to play in the protection of Palestinian refugees, whose difficulties had been exacerbated by the American invasion of Iraq in 2003.

37. Egypt fully supported the cluster approach adopted by UNHCR, which had revealed existing protection gaps and the need for innovative solutions to address them. It welcomed the commitment of UNHCR to finding durable solutions for refugees and for displaced and stateless persons.

38. Emphasizing that the Note on International Protection under consideration had been issued as a document of the General Assembly, he observed that the document should conform to General Assembly standards; in particular, the reference in the second paragraph to violence linked to sexual orientation as a ground for offering protection should not have been included. Like most countries, Egypt considered the mandate of UNHCR to be clearly defined and saw no need to reinterpret the 1951 Convention by making reference to particular social groups.

39. **Mr. Hughes** (Australia) said that his country supported the efforts of UNHCR to protect refugees from violence, abuse and exploitation and condemned sexual violence against women and girls displaced by conflicts. Australia supported the efforts of UNHCR to protect and assist victims of sexual and gender-based violence and continued to guarantee a number of refugee resettlement places under its Women at Risk programme.

40. He noted that some States needed to improve their refugee status determination procedures and indicated that Australia would continue to assist UNHCR in its capacity-building efforts in the Asia-Pacific region in that regard.

41. The number of refugees in the Asia-Pacific region had risen during 2010 and a number of protracted situations remained unresolved. In cooperation with UNHCR, Australia would continue to work with countries of transit, destination and origin in order to develop a regional protection framework. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, which was aimed at bringing together the most affected countries in order to develop a common regional approach, remained important. Australia welcomed the creation by UNHCR of the Resettlement Service, which had improved working methods, and would continue to offer places every

year under its humanitarian assistance programme for refugees identified by UNHCR as being in need of resettlement.

42. **Ms. Pollack** (United States of America) said that, despite the efforts of the international community and the robust mandate of UNHCR, basic principles of protection were under threat around the world. It must be acknowledged that solutions had not been found for millions of refugees, internally displaced persons and stateless persons in protracted situations. The United States welcomed the adoption of the Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

43. The United States had pressed UNHCR to increase its permanent staff responsible for protection and community services and deploy them in the field. For its part, it had regional officers, based in its embassies, who were dedicated to humanitarian diplomacy and field monitoring. Field monitoring and strong advocacy were essential to achieving protection objectives in many areas.

44. The United States urged UNHCR, its partners and Member States to analyse the performance of protection clusters around the world closely with a view to increasing their effectiveness and enhancing the response capacity of the United Nations system in humanitarian crises through improved coordination with other clusters. Sexual and gender-based violence was a matter of major concern throughout the world, particularly in conflict-affected countries such as the Democratic Republic of the Congo. The Age, Gender and Diversity Mainstreaming (AGDM) approach was key to improving protection for victims of such violence. The United States expected UNHCR to maintain its commitment to that issue, including by publishing the AGDM ACTION Plan as soon as possible.

45. The United States Government appreciated support provided by the Government of Nepal for resettlement of refugees from Bhutan and would consider every resettlement request submitted. At the same time, it urged the Government of Bhutan to agree to the repatriation of refugees in cases of special humanitarian concern. Her Government was aware of its responsibilities and had decided to double the funding provided to support recently resettled refugees. Overseas, it had strongly supported capacity-building measures to enable UNHCR to identify vulnerable groups in need of resettlement and to develop interim protection arrangements, including emergency transit centres. Those measures had improved protection for refugees arriving in the United States and had promoted refugee protection burden sharing in first asylum countries.

46. **Ms. Feller** (Assistant High Commissioner for Protection) said that she agreed with the United States representative that having a sufficient number of suitably qualified field staff in order to respond to a variety of situations and strengthening capacities for protection in the field must be two major priorities for UNHCR in the coming months.

47. She thanked the Government of Canada for increasing its resettlement places quota by 20 per cent, thus helping to narrow the gap between needs and available places, and she affirmed that UNHCR would continue to give the same importance to its core activities.

48. Responding to the concerns expressed by the representative of Morocco about the situation of Saharan refugees, she said that UNHCR earnestly hoped that the family visits programme in the refugee camps in Algeria would be promptly re-established on a firm footing.

49. She thanked the Government of Germany for supporting birth registration, which was a key element of protection, and acknowledged that humanitarian organizations as a whole must prepare to deal with new forms of displacement, a task which would require closer cooperation between them.

50. She had taken note of the observation made by the representative of Denmark on UNHCR guidelines but wished to recall that UNHCR had to restrict itself to providing

general guidelines that could be adapted to particular cases. Persons with disabilities often faced protection problems when in an asylum situation or when awaiting a solution; however, those problems were not related to refugee status or to legal issues, as such.

51. She shared the concern expressed by several delegations, including that of Denmark, about unaccompanied minors and agreed that it was necessary to identify the best solutions, which could include temporary placement in centres, pending family reunification.

52. She wished to assure the representative of Japan that extensive consultations with regard to assistance for persons displaced by natural disasters had taken place with international partner organizations and that initiatives would be taken with the desired aim in mind, namely, that of strengthening protection for victims in such situations.

53. She welcomed the incorporation in Norwegian legislation of a broader definition of the term “refugee” and said she agreed with the view expressed by the Norwegian representative that every country should have a normative framework for dealing with displaced persons. With regard to protracted refugee situations, she wished to confirm that UNHCR was in the process of formulating global strategies.

54. She said that she hoped, as did Sweden, that European Union member States would soon reach agreement on a joint resettlement programme. She thanked the Swedish Government for its excellent work in chairing the Annual Tripartite Consultations on Resettlement and for having promoted much more open debate on the main issues raised.

55. Responding to the comments of the representative of Egypt on the reference by UNHCR to sexual orientation and sexual identity, she said that refugee law was not static and UNHCR had a responsibility to promote a progressive approach to interpreting the 1951 Convention.

56. She noted with satisfaction that Australia reserved a quota of resettlement places for vulnerable women, thanked it for its support of risk assessment and said that its Government’s call for protection measures at the regional level led by UNHCR would be given thorough consideration.

57. **Mr. Türk** (Director, Division of International Protection, UNHCR) said that the evaluation of the results of the AGDM strategy had highlighted those areas in which progress had been made. Following extensive internal consultations, a three-part action plan had been established to incorporate the AGDM approach in the full cycle of UNHCR management, to further develop the concept of diversity and to ensure that the victims of harmful traditional practices were taken into account in UNHCR programmes.

58. **Ms. Keah** (Kenya), speaking on behalf of the Group of African States, said that she wished to reiterate the point that the Group did not consider questions of sexual orientation to constitute universally agreed principles under United Nations conventions and, therefore, did not consider the people concerned to belong to vulnerable groups.

59. **Ms. Ingres** (France) said that her country was deeply concerned by the changing nature of armed conflicts, which now typically involved multiple actors who had little regard for human rights and international humanitarian law. The violence committed against villagers in North Kivu in August 2010 was an illustration of that situation. Civilian populations were the main victims of a new kind of conflict, which, in many cases, gave rise to internal and transboundary displacement. The protection of civilians must therefore be given a central place in peacekeeping operations mandates and France would continue its efforts towards that end. Moreover, France encouraged UNCHR to continue to take action to provide special assistance to women and children.

60. She said that she hoped the Executive Committee Conclusion on refugees with disabilities and other persons with disabilities protected and assisted by UNHCR would

serve as a guideline for those involved in international protection who provided assistance to persons with disabilities.

61. **Ms. Hwang** (Republic of Korea), noting with concern the low rate of accession to the 1951 Convention in the Asia-Pacific region, said that she wished to ask UNHCR to offer continued legal and administrative support to States and encouraged it to provide up-to-date country of origin information for refugees and asylum-seekers.

62. With regard to the AGDM approach, the Republic of Korea shared the view that further efforts should be made based on the evaluation undertaken in 2009. The Government was taking steps to improve the living conditions of refugees who had settled in the Republic of Korea and planned to open a support centre for refugees and asylum-seekers by 2012.

63. **Ms. Kgasi** (South Africa) appealed to UNHCR to collaborate with South Africa and the countries concerned to resolve the issue of refugees who were not disposed to return to their countries of origin when conditions were conducive to their return. South Africa shared the concern expressed by the representative of the United Republic of Tanzania about the slow pace of the implementation of the cessation clauses in cases where it had been deemed necessary to invoke that mechanism. In South Africa, refugees had integrated into the local community; South Africa was, therefore, interested in the pilot projects to test the effectiveness of the Office's urban refugee policy and looked forward with interest to learning about best practices in that context. With regard to mixed migratory flows, it appeared that a considerable number of migrants were moving South, placing a huge burden on the economic and social capacities of States that were already overloaded. It was, therefore, imperative that the affected States, UNHCR and other international partners strengthen their cooperation in order to stem the flow.

64. **Mr. Chebihi** (Algeria) said he hoped that the resolution of the root causes of displacement would lead to a reduction in the number of refugees and asylum-seekers and thus improve the situation of persons who continued to be of concern to UNHCR. Algeria, which was aware of the complexity of mixed migratory flows, encouraged UNHCR to strengthen its collaboration with the International Organization for Migration (IOM) and to ensure better protection for urban refugees. Emphasizing that the arrangements for assisting refugees in Algeria met the requirements of the international instruments to which the State was a party, he said that the relevant legislation was currently being updated. The fact that women could now transmit their nationality to their children contributed to reducing the number of cases of statelessness.

65. Algeria was thankful to Egypt for cautioning against the overburdening of the mandate of UNHCR through the inclusion of issues outside the Office's purview.

66. He expressed regret that some delegations continued to make false accusations against Algeria for the purposes of internal propaganda, which only fuelled a political controversy that had no place in the current forum.

67. **Ms. Mutiti** (Zambia) welcomed the successful implementation of the voluntary and organized repatriation programme for refugees to the Democratic Republic of the Congo, as a result of which two refugee camps in northern Zambia would soon close. Zambia continued to encourage the voluntary return of Angolan refugees and would invoke the cessation clause in respect of that group in 2011. It welcomed the efforts of UNHCR to resolve the situation of refugees who had left Rwanda after the conflict in 1994.

68. Zambia had to cope with the emergence of mixed migratory flows, which made its task more complicated; the fight against human trafficking was of crucial importance in that regard. Moreover, Zambia was aware that, despite the positive achievements scored, its refugee camps lacked the capacity to meet the needs of the ever-growing number of urban

refugees. It welcomed the adoption of the new UNHCR urban refugee policy and hoped to find appropriate solutions in cooperation with UNHCR and other national and international development actors. Recognizing that local integration could be needed if voluntary repatriation proved impossible, Zambia commended the Tanzanian Government for its bold decision to naturalize Burundian nationals who had been in its territory since 1972.

69. **Mr. Kaeser** (Switzerland) expressed concern at the erosion of humanitarian space but welcomed the efforts by UNHCR to protect and develop that space through the provision of advice, training and assistance to Governments. Switzerland supported those efforts as part of its “Protection in the Region” approach.

70. He welcomed the progress made with regard to age, gender and diversity mainstreaming in UNHCR activities and said that his Government would build on lessons learned from the High Commissioner’s Dialogue on Protection Challenges for persons of concern to UNHCR in urban settings in order to implement its protection strategy.

71. While his Government welcomed the publication of the two most recent Executive Committee conclusions, on protracted refugee situations and on persons with disabilities, respectively, it observed that flaws remained in the international protection regime and noted with satisfaction that the forthcoming High Commissioner’s Dialogue would address that issue.

72. **Mr. Thananant** (Thailand) said that his country attached great importance to strengthening regional approaches, to which it contributed under the Bali Process. His Government wished to know how UNHCR envisaged cooperation with the Association of Southeast Asian Nations. Solutions for the problems of urban refugees and long-term refugees must be provided through better international burden sharing.

73. In the past year, Thailand had settled the question of birth certificates for children born in temporary shelters. It hoped that UNHCR would continue to cooperate with it in that area, including with regard to the computerization of the system and capacity-building. Progress had been made in expanding legal assistance services in the centres and combating statelessness.

74. **Ms. Makkadem** (Lebanon) thanked UNHCR and UNRWA for having clearly defined their respective responsibilities with regard to Palestinian refugees, including those in Iraq.

75. She wished to receive further information on the possible impact that the presence of a peacekeeping operation that was considered neutral could have on the safety of humanitarian workers and the protection of humanitarian space. Attacks against refugee camps, in particular those perpetrated by Israel, must not go unpunished. Lebanon concurred with UNHCR that guidance for humanitarian personnel, such as that issued on refugees with disabilities, should also be followed by States. It therefore encouraged the holding of discussions and consultations with Governments during the development of Executive Committee conclusions.

76. **Mr. Metsandi** (Estonia) noted with satisfaction that the protection of the most vulnerable persons was a UNHCR priority for 2010–2011 and that the AGDM strategy would serve as a core planning tool. Estonia had launched several bilateral development projects to assist women and children and to eliminate gender-based violence. It continued to support the full implementation of Security Council resolution 1325 (2000), on the subject of women, peace and security, and would hold an international conference in November 2010 to mark the tenth anniversary of that resolution.

77. Estonia noted that UNHCR had undertaken to develop procedures for registering stateless persons, in cooperation with Governments and civil society, which was a first step in the search for long-term solutions for those persons.

78. Estonia fully supported the establishment of a common European asylum system and the enhancement of practical cooperation between European Union member States. It considered that there was a need to focus on uniform treatment and prompt processing of asylum applications, together with the harmonization of legal safeguards and procedures. The Estonian Government thanked UNHCR for its continuing support, including the provision of training for officials working on asylum issues.

79. **Mr. Malfavón** (Mexico) paid tribute to the victims of the natural disasters in Haiti and Pakistan and noted that UNHCR had demonstrated its ability to lead humanitarian efforts in crisis situations. He thanked UNHCR for supporting the implementation of the Mexican national action plan, which would lead to the adoption of a new law on refugees recognizing gender-based persecution as a ground for providing protection and offering subsidiary protection for asylum-seekers not covered either by the 1951 Convention or the Cartagena Declaration on Refugees.

80. Mexico welcomed the publication of the UNHCR Guidance Note on Refugee Claims Relating to Victims of Organized Gangs, which it had found most useful.

81. Protecting the human rights of all migrants, irrespective of their status, was another considerable challenge. Care should be taken to ensure that restrictive policies to combat illegal migration did not have a negative impact on refugee protection, did not promote xenophobia and discrimination and did not lead to the criminalization of migrants. In that regard, international cooperation in the fight against human trafficking and transnational crime must be strengthened.

82. **Mr. Hassan** (Egypt), responding to the statement by the Assistant High Commissioner and referring to articles 31, 32 and 33 of the Vienna Convention on the Law of Treaties, said that UNHCR had no authority to interpret international treaties without the express agreement of States parties. Any official and unilateral statement by UNHCR to the effect that the term “social group” within the meaning of article 1, paragraph A (2), of the 1951 Convention relating to the Status of Refugees could be construed to include sexual orientation could prompt Egypt to withdraw from the Convention, whereas Egypt hoped to be able to continue to give all necessary support to the activities of UNHCR.

83. **Mr. Hilale** (Morocco) expressed his deep appreciation to UNHCR for its efforts immediately following the arrest of Mustafa Salma by the Frente Polisario, which had helped to secure Mr. Salma’s release on the same day.

84. **Mr. Simpson** (Observer for Human Rights Watch), speaking on behalf of a large number of non-governmental organizations, drew attention to the most serious failures of the protection regime for persons of concern to UNHCR that had been observed during the previous year.

85. In Africa, hundreds of Rwandan refugees had been deported, there had been pressure on some 60,000 internally displaced persons in the Democratic Republic of the Congo to return home, and 300,000 Somali refugees in Kenya lived in deplorable conditions.

86. In Asia, stateless persons belonging to the Rohingya ethnic minority continued to be denied assistance and protection in Bangladesh. In Sri Lanka, while more than 250,000 internally displaced persons had been released from the internment camps in which they had been detained since early 2009, humanitarian organizations did not have free access to areas of return and could not carry out protection activities. In Thailand, the situation of refugees and asylum-seekers was increasingly precarious. UNHCR and the international community must ensure that Thailand did not use the holding of the forthcoming elections in Myanmar as a pretext for deporting nationals of Myanmar at risk of persecution in their home country.

87. By abolishing asylum appeals and rejecting almost all asylum applications, Greece had failed to meet its most basic obligations to protect refugees. He called on UNHCR to take over the processing of asylum applications in Greece and urged European Union member States to establish an equitable common system that respected the rights of asylum-seekers. Italy should answer for its participation in joint naval operations with the Libyan Arab Jamahiriya, which served to return refugees and other vulnerable persons to the Libyan Arab Jamahiriya, where they would have no protection of any kind.

88. As Egypt would soon be elected to chair the Executive Committee of UNHCR, it was important to put an end to the abuses against refugees and asylum-seekers perpetrated by that country's authorities. In addition, Lebanon should release all those recognized as refugees by UNHCR who were currently detained in inhumane conditions and should grant UNHCR access to all asylum-seekers in detention. Moreover, although Yemen continued to grant Somali asylum-seekers *prima facie* refugee status, its treatment of asylum-seekers from other parts of Africa remained alarming. It was essential that all non-Somali nationals seeking asylum in Yemen had full access to UNHCR staff.

The meeting rose at 6.10 p.m.