



General Assembly

Distr.
GENERAL

A/AC.96/SR.567
4 December 2002

ENGLISH
Original: FRENCH

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

Fifty-third session

SUMMARY RECORD OF THE 567th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 October 2002, at 10 a.m.

Chairman: Mr. YIMER (Ethiopia)

CONTENTS

REPORTS ON THE WORK OF THE STANDING COMMITTEE (continued)

- (a) INTERNATIONAL PROTECTION (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Executive Committee will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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

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

(a) INTERNATIONAL PROTECTION (continued) (A/AC.96/965 and Add.1 and 969)

1. Mr. METSCHER (Germany) said that the Global Consultations on International Protection had achieved their main objectives in that they had made it possible for the first time to hold a broad-based discussion on the problems involved in refugee protection. The Agenda for Protection gave a very useful overview of the way in which refugee protection was implemented and proposed solutions for a number of urgent problems. Even though it was not binding, the Agenda for Protection would undoubtedly contribute to the harmonization of the international standards applicable to the international protection of refugees. It was also thanks to the consultations that a number of States had been persuaded to ratify the 1951 Convention relating to the Status of Refugees.
2. The search for durable solutions had been at the heart of the discussions in recent months, together with the questions of security and the protection of refugee women and children, particularly in the light of the crisis faced recently by the Office of the United Nations High Commissioner for Refugees (UNHCR) in West Africa. The latter question had highlighted the need to deal with not only the rights of refugee women and children, but also with their protection and security in UNHCR programme planning and in the relevant domestic legislation. In that respect, it was worth mentioning the recent adoption in Germany of a new immigration act which would, by streamlining asylum procedures, help to strengthen the system for protecting those in real need of protection.
3. There was a need to prioritize the many proposals contained in the Agenda for Protection. His delegation believed that priority should be given to the responses to mass outflows, the exclusion of those not considered to be in need of international protection, the registration of refugees, efforts to tackle the underlying causes of refugee movements and the international efforts needed to combat the smuggling of aliens and people-trafficking.
4. The harmonization process under way in the areas of asylum and immigration within the European Union had already led to the adoption of the first binding instruments and would lead to the adoption of new instruments dealing with asylum procedures, reception conditions for asylum-seekers and the application of the definition of a refugee contained in the 1951 Convention, as well as the concept of subsidiary protection. It would certainly be useful to refer to that process in the discussions on international protection.
5. Lastly, he said that Germany would play an active part in the work of the forum proposed by the High Commissioner.
6. Mr. McKINLEY (United States of America) said that, while refugee protection was the very raison d'être of UNHCR, member States had a duty to ensure that the latter was able to carry out its functions effectively, particularly by providing the necessary funding.

7. The Agenda for Protection was an excellent framework for strengthening protection, but it was also such an ambitious plan that the first step must be to set certain priorities. In his delegation's view, the most important priorities were to improve the registration and documentation of refugees, to make the responses to massive outflows more effective and predictable, to step up efforts to find durable solutions, to guarantee the physical safety of refugees and to meet the protection needs of refugee women and children. In addition, progress reports on the implementation of the Agenda for Protection should be on the agenda of each session of the Executive Committee. The High Commissioner's idea of a forum was an interesting one, provided that it did not become a substitute for the Executive Committee.

8. UNHCR's mandate applied not only to legal protection, but also to the physical protection of refugees. To provide such protection, UNHCR needed to have a presence in the field. He would like to have more information on the new posts he understood were to be established for that purpose as from 2003. While much work remained to be done in the area of the protection of refugee women and children, he welcomed UNHCR's efforts in that area, as well as the appointment of Ms. Walker as the focal point for those questions in the office of the Assistant High Commissioner.

9. Protection and security were interlinked. His delegation would like to know whether the measures announced in June 2001 by the Director of the UNHCR Emergency and Security Service with a view to expanding the mandate of security officers to cover refugee security had been implemented. In that respect, States must fully assume their responsibilities for the security of all humanitarian personnel and ensure the latter had safe access to refugees and displaced persons. It would also be a good idea for UNHCR and other international organizations to collect statistics on rapes of humanitarian workers and assaults on them.

10. Resettlement was an important protection instrument, a durable solution and a means of sharing responsibility. Recent events affecting the United States would not change that country's traditional openness to newcomers. The United States remained the world's foremost resettlement country. His delegation hoped that UNHCR would allocate the necessary resources to enhancing its resettlement capacity.

11. The standardization of registration procedures was a top priority for his delegation, as it was for other members of the Executive Committee. He therefore welcomed the attention paid to that issue and urged UNHCR to make "Project PROFILE" a reality. He would also like to have details of the recent changes in the Department of International Protection with regard to the information service on protection. The service was actually very valuable in helping States to take sound decisions in that regard.

12. He welcomed the success of the "Reach Out" initiative to provide training in the area of refugee protection and also stressed how beneficial the partnership between UNHCR and the International Rescue Committee in the Protection Surge Capacity Project had been. UNHCR's capacity-building efforts in the area of protection were also extremely important, given that UNCHR could not be everywhere at once.

13. His delegation believed that the core principles of the Convention and its Protocol remained valid. The aim was nothing less than the full application of that regime. He reserved the right to comment at a later stage on the “Convention Plus” referred to by the High Commissioner.

14. Mr. GABRIEL (Nigeria) said that his country was host to 7,400 refugees in possession of papers issued by UNHCR, as well as about 50,000 other refugees who had no papers and whose rights were not protected.

15. His delegation was concerned about the human rights violations committed in refugee camps and did not think that the Agenda for Protection, although it was undoubtedly a step in the right direction, went far enough: it should not be limited to UNHCR staff, but should also apply, for example, to local staff involved in food distribution. Moreover, if the revolting practice of forcing refugees to have sex in exchange for food was to be averted, financial support and food assistance for refugee camps would need to be increased and refugees would need to be taught how to assert their rights.

16. Mr. HUGHES (Australia) said he was pleased that durable solutions had been found in the past year for large refugee populations from Afghanistan, the Balkans, East Timor and parts of Africa and welcomed the emphasis on strengthening UNHCR’s capacity to support resettlement as a durable solution. Australia would continue to make an important contribution in the area of resettlement, particularly in Africa, the Middle East and South-East Asia. He also welcomed the emphasis on responses to the smuggling of aliens and people-trafficking and to the secondary movements of asylum-seekers in the Asia-Pacific region, as well as on the prompt return of those not considered to be in need of international protection.

17. The note on international protection (A/AC.96/965) contained implied criticisms of States that had taken steps to streamline appeal and review mechanisms for individual asylum applications. However, that was an area in which difficult choices had to be made.

18. With regard to the Agenda for Protection, which recommended a wide range of activities, it was especially important to set priorities. In his delegation’s view, the main priorities were better registration and documentation of refugees, a more systematic approach to the root causes of refugee movements, better data collection and research into the link between asylum and migration, strengthened international efforts to combat the smuggling of aliens and people-trafficking, the reduction of irregular or secondary movements, the return of persons considered not to be in need of international protection and a review of protracted refugee situations. Without progress in those strategic areas, it would be very difficult for States to achieve success in the other areas of activity recommended in the Agenda.

19. Lastly, he said that his delegation would like to have more details on the role, status and modus operandi of the forum proposed by the High Commissioner.

20. Mr. KYRÖLÄINEN (Finland) said he agreed with UNHCR that access to asylum could sometimes be jeopardized by certain migration control measures. While every State had a sovereign right to control immigration, practical solutions had to be found to ensure that those in need of international protection had access to asylum procedures. In that respect, it was

particularly important to have a single procedure to examine the situation of the individuals concerned for the purpose of acquiring both refugee status and complementary forms of protection. Moreover, the complementary forms of protection should be of a permanent nature and the rights and social benefits of those enjoying such protection should be as close as possible to those enjoyed by refugees.

21. With regard to the supervisory role of UNHCR under article 35 of the Convention and attempts to harmonize the interpretation of the Convention, he looked forward to receiving the updated and fuller version of the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status. He would also appreciate details of the other initiatives taken in the legal area, as mentioned in paragraph 40 of the Note on international protection.

22. It was also extremely important to prevent asylum-seekers from becoming destitute, by providing them with education, training, work and other activities. The particular needs of vulnerable groups should be taken into account. The detention of asylum-seekers should be a last resort and should be governed by the principles applicable under domestic law. He welcomed the efforts by UNHCR to raise awareness among its own staff about protection issues through the protection learning programme, as well as the strengthening of the Resettlement Section in UNHCR. However, he urged UNHCR to pay particular attention to the problems facing women when it was processing resettlement cases.

23. Ms. LE GUEVEL (France) said that the Ministerial Meeting of States Parties to the 1951 Convention and/or to its 1967 Protocol relating to the Status of Refugees had given fresh impetus to work on the international protection of refugees. She was pleased that agreement had been reached on new objectives aimed at improving the implementation of the 1951 Convention and its 1967 Protocol and that the agreement had resulted in the adoption of the Agenda for Protection. It would be useful to begin by defining priorities for the Agenda and, as far as possible, to draw up a timetable for its implementation. While she was aware that it would not be easy to formulate criteria for that purpose, she wished to make it clear from the outset that the implementation of durable solutions was a top priority for her delegation, it being understood that voluntary repatriation was still the best such solution. The “4 Rs” approach proposed by the High Commissioner was a perfect example of how the Agenda could be used to make not only theoretical, but also practical progress.

24. The debate on burden-sharing should be linked to the consideration of shared responsibilities. All States shared responsibility for dealing with existing refugee situations and for providing a suitable humanitarian response. Likewise, it was their duty to prevent population movements, including by combating human rights violations, which were one of the main causes of such movements.

25. Her delegation had taken note with a good deal of interest of the High Commissioner’s initiative to reach special agreements on particular subjects and would like to have more details on the form such agreements might take and on the specific benefits UNHCR expected from them. The link between that new approach, the “Convention Plus” and the Agenda for Protection could also be made more explicit. While the establishment of a forum on

international protection issues should facilitate the follow-up to the Agenda and discussions on the other initiatives proposed by the High Commissioner, it was essential not to impinge on the responsibilities of the Executive Committee. In the last resort, the Committee must retain control of the process and, where necessary, take the decisions required.

26. Ms. CONINSX (Observer for the European Commission) said that the European Commission was carefully studying the links between its own agenda on asylum and the international Agenda for Protection. With a view to defining priorities and identifying good partners, the European Commission would be examining the arrangements for implementing the Programme of Action at the Community level and would try to identify areas in which Community policies could be improved to achieve the objectives set.

27. The European Commission welcomed the forthcoming adoption of a European directive on reception conditions for asylum-seekers, which echoed the conclusions on that subject adopted at the current session of the Executive Committee. It also welcomed the rapid progress made in the negotiations on the draft directive concerning the legal classification of a refugee and subsidiary protection, which should be the cornerstone of the new asylum regime in Europe. The Council of Ministers was due to resume discussions on asylum procedures on 14 and 15 October 2002, on the basis of a revised proposal by the European Commission. With that in mind, the Commission had taken note with interest of the High Commissioner's ideas on safe countries.

28. The European Commission would like to organize consultations with member States of the European Union in order to coordinate the response to the so-called "Convention Plus" approach. It hoped to find suitable ways to cooperate fruitfully with UNHCR and the countries concerned, including within the framework of a European plan of action which had been coordinated by the European Commission and the Danish Presidency and was under preparation. It also wished to intensify its action abroad in the area of institutional capacity-building and, more generally, its dialogue with third countries on the issues of asylum, return and management of migratory flows.

29. Mr. NAHI (Morocco) welcomed the success of the Global Consultations on International Protection and supported the implementation of the Agenda for Protection, which could only be really effective if it took place within a framework of close and transparent cooperation between UNHCR and all its partners in the humanitarian field. He also called for more resources for UNHCR, to enable it to provide assistance to the millions of refugees living in unsafe conditions, particularly in Africa.

30. His Government believed that UNHCR should give priority to, and encourage, voluntary repatriation by setting up an appropriate framework to guarantee the physical, legal and material security of those concerned, as well as the necessary confidentiality when information was being gathered on the real wishes of refugees who were candidates for return. It also believed it was vital to protect refugees, particularly women and children, from all forms of persecution and exploitation. The allegations of sexual abuse that had recently shaken the humanitarian community called for a rethink of UNHCR's entire strategy in that area. In that respect, his Government fully supported the adoption of a strict code of conduct for workers in the field.

31. Mr. SARAN (India) said that India, which had experienced massive inflows of refugees on several occasions, had always observed the fundamental principles of protection and asylum. He pointed out that the 1951 Convention did not contain any provisions on that kind of situation and stressed that the fact that India was not a party to the Convention had in no way affected its attitude as a host country. Conversely, accession to the Convention was no guarantee that its provisions would be respected. The Agenda for Protection itself noted increasingly frequent violations of the Convention and some of its most ardent advocates were interpreting it in an increasingly narrow way.

32. It was not enough in the current circumstances merely to talk about burden-sharing. The contribution and role of host developing countries must be recognized and codified without delay or qualification. Urgent measures to do just that could be taken within the framework of the implementation of the Agenda. The international community must face up to its responsibilities if it wished to tackle the root causes and find durable solutions. Local integration was not a durable solution in cases of massive refugee flows. Similarly, the search for solutions in the regions of origin was justified only when the causes of the population movements were to be found in the same region. If the causes lay elsewhere, the solution must also be sought elsewhere.

33. Clearly, while it was inadmissible to allow the procedures for granting asylum and refugee status to be abused by networks of traffickers, the inevitability of cross-border movements of people could not be ignored. That was why migration or labour flows should be managed in the same way as capital flows, in a legal and transparent way, so as to avoid any destabilizing effects. The current trend towards considering refugees and asylum-seekers primarily as illegal migrants - which was reflected in the growing number of violations of the principle of non-refoulement - was a regrettable step backwards.

34. His delegation was very interested in the idea of setting up a forum on international protection issues and was particularly in favour of greater participation by non-governmental organizations (NGOs), specialized agencies of the United Nations, economists and other academic experts, as well as States that were not parties to the Convention.

35. Mr. SMITH (Canada) welcomed the outcome of the Global Consultations on International Protection, particularly the adoption of the Agenda for Protection as a frame of reference for the development of global policies, and stressed the current need to set priorities to ensure their effective implementation. He also supported the idea of a forum on international protection issues, which would complement the work of the Standing Committee and the Executive Committee by enabling new avenues to be explored. States would be able to truly assume their responsibilities and share the burden equitably only if they shared a mutual commitment to observing the fundamental principles of protection, including the principle of non-refoulement, to which his Government attached particular importance.

36. His delegation shared the High Commissioner's concerns about mixed flows of refugees and economic migrants. It was essential to distinguish more clearly between those two categories of people in order to respond more effectively to the needs of those in genuine need of international protection and to maintain the integrity of the asylum system. His delegation also

agreed with the so-called “Convention Plus” approach proposed by the High Commissioner to deal with new problems such as secondary movements of refugees and asylum-seekers, to make new arrangements to ensure more equitable burden-sharing and to facilitate access to development assistance resources in order to meet the needs of refugees. Such an approach was based on flexible arrangements and was intended to show that there was no need for new legally binding instruments. In that respect, his Government supported regional initiatives such as the recent Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held in Bali, and the Puebla process.

37. Protection was not only a legal, but also a physical matter. Camp security therefore remained a crucial issue. Recent events had revealed the need to ensure that refugees were neither exploited nor ill-treated in the camps, again showing the need for a comprehensive approach. The conclusion on the civilian and humanitarian nature of asylum contained useful guidelines on that subject.

38. His Government supported the priority given by UNHCR to the search for durable solutions and, in the belief that refugees could make a major contribution to their host country, advocated an approach that encouraged them to be autonomous and ensured that their integration in the community was not simply the de facto situation, but also their lawful right. While acknowledging the success of certain complex repatriation operations, such as those in Sierra Leone or Afghanistan, he said that the lessons learned from those operations - one of which was that account must be taken of the needs of repatriated persons and their community in reconstruction and development projects - should not be forgotten. He also drew attention to the importance of physical safety as a criterion for determining the viability of return as a solution. He believed, moreover, that resettlement could be used as a protection strategy to provide a durable and effective solution and therefore strongly supported efforts by UNHCR to improve the management and monitoring of resettlement operations.

39. Ms. LESTER (Amnesty International), speaking on behalf of the NGOs attending the meeting, called on the Executive Committee to consider how effective it was in enhancing the protection of refugees. Pointing out that it had always sought to encourage consensus among its members, including when drafting its conclusions, she deplored the fact that that spirit of conciliation had been used by some members in recent years to limit rather than strengthen international protection. That was particularly apparent in the conclusion on reception standards adopted at the current session. The Executive Committee’s conclusions had practical consequences for the activities of UNHCR and its partners in the field. Although they were of a non-binding nature, they were still soft law expressions of the protection obligations of States and it could not be argued that they weakened the mandatory rules set forth in binding instruments such as the 1951 Convention.

40. NGOs were pleased to have been closely involved in various standard-setting activities, including the Global Consultations on International Protection and the drafting of the Agenda for Protection. However, it was regrettable that no mechanism had yet been set up to allow them to take part in the drafting of the conclusions of the Executive Committee. She therefore called on the Committee to recognize their contribution and to consider involving them in the preparation of its conclusions, which could only have a greater impact as a result.

41. Mr. PAULSEN (Norway) expressed satisfaction at the constructive and inclusive nature of the Global Consultations on International Protection. He paid tribute to NGOs' contribution to the process, which he hoped would be just the beginning of greater cooperation in the area of refugee protection. As the High Commissioner had stressed, the Agenda for Protection should not be seen simply as a wish list. It represented a broad consensus on issues requiring practical measures and should serve as a basis for joint action. While acknowledging the need to set certain priorities for its implementation, he recalled that the Programme of Action distinguished between three different levels of commitment. The activities related to the second and third levels could be implemented gradually, but the six goals associated with the first level were all of equal importance and should therefore be tackled simultaneously. His delegation hoped that the mechanisms for following up on the Agenda would also encourage the broadest possible participation by all interested parties and supported the idea of a new forum on international protection issues, which would complement the work of the Executive Committee and the Standing Committee in that area.

42. Resettlement was both a tool for protection and a durable solution. Norway was one of the few countries to have an annual quota for persons allowed to be resettled and he would like to see more countries in refugees' regions of origin also become resettlement countries. His Government was ready to cooperate for that purpose with UNHCR and countries interested in setting up programmes and activities to facilitate resettlement in the region of origin. As far as internally displaced persons were concerned, his delegation welcomed the clarification provided by the High Commissioner on the role and responsibilities of UNHCR.

43. Monsignor MWACHUKWU (Holy See) said that the international protection regime for refugees must above all be based on measures empowering those concerned to take their fate into their own hands. Such measures included investment in education and health and the establishment of favourable conditions for development in post-conflict countries. In that respect, his delegation hoped that the mandate of existing organizations, such as the Action Group on Asylum and Migration (AGAMI), could be strengthened by the inclusion of a strong human development and human rights element and it would like to see the involvement of organizations such as the World Bank, the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights and the International Organization for Migration (IOM).

44. Mr. BOULGARIS (Switzerland) welcomed the drafting of the Agenda for Protection and said he hoped that, as a core document for strengthening the international protection regime, it would not go unheeded. He was pleased to see that the structure of the Agenda had been replicated in the High Commissioner's Note on international protection (A/AC.96/965), making the note easier to read and making it possible to assess the work still to be done. He nevertheless stressed that, if the international protection regime was to be credibly strengthened, the High Commissioner would need to set up a mechanism to monitor the implementation of the Agenda. Such a mechanism should be based on realistic priorities and should take into account the different situations in the States concerned.

45. Ms. CHIRANOND (Thailand) said that the implementation of the Agenda for Protection should be based on clear priorities and a comprehensive approach, given the various regional initiatives such as the New Partnership for Africa's Development (NEPAD). Her Government

had taken note of the proposal by UNHCR to organize a forum to promote the Agenda for Protection and would contribute to it once details of the forum's format were known. She believed that, if the closely linked problems of asylum and migration were to be dealt with, UNHCR, IOM and member States must combine their efforts in a partnership based on the principle of burden-sharing.

46. Mr. HERNÁNDEZ (Mexico) recalled that the international community as a whole had a duty to ensure that the human rights of every person fleeing war, persecution or poverty were protected. In that regard, he was pleased that the Agenda for Protection reaffirmed the importance of the 1951 Convention and 1967 Protocol as the main refugee protection instruments. However, he was concerned by the tendency of some countries faced with massive inflows of refugees to adopt restrictive policies that resulted in a refusal to protect those in real need, thereby revealing some incompatibility between their domestic legislation and the commitments contained in the Agenda, even in cases governed by universally recognized norms such as the right to family reunification and the principle of non-refoulement.

47. His Government was in favour of restarting the international dialogue to seek durable solutions to refugees' problems. That goal could be reached only by developing mechanisms that ensured a fairer sharing of burdens and responsibilities, particularly as developing countries were currently receiving the largest numbers of refugees. The High Commissioner's "Convention Plus" concept offered a suitable springboard for that purpose, but no durable solution would be found unless the root causes of refugee problems were addressed. If no effort was made to combat extreme poverty and establish favourable conditions for the development of poor countries, the High Commissioner's "4 Rs" approach would be futile.

48. Mr. MALATJI (South Africa) said that, as far as the implementation of the Agenda for Protection was concerned, it was important to set clear priorities and, above all, to apply the principle of burden-sharing. It must be borne in mind that Africa hosted the largest number of refugees, even though a lack of resources and the shortage of aid from rich countries meant that it was unable to cope with the situation. In that respect, he recalled that, at the inaugural summit of the African Union, an appeal had been launched calling on the international community to help countries of origin to create a climate conducive to the voluntary repatriation of refugees in conditions of security and dignity.

49. The idea of organizing a forum was an excellent one insofar as States would be able to embark on discussions on the priorities for implementing the Agenda for Protection, but further study was needed on its format. His delegation would like the forum to be held within the framework of the Executive Committee, so as to ensure the involvement not only of States, but also of UNHCR's partners and intergovernmental and non-governmental organizations. The successful implementation of the Agenda would depend on broad consultations between UNHCR, host countries and refugees' countries of origin, as well as between the countries of North and South.

50. Mr. RODRÍGUEZ CEDEÑO (Venezuela) said that refugee protection was a responsibility incumbent upon all States within the framework of respect for human rights. It was therefore essential that all States should accede quickly to the 1951 Convention and 1967 Protocol, so as to bestow on those instruments the universal nature that was necessary

if they were to be effective. Although the concerns expressed by certain States on the problem of mixed flows - such as the presence of combatants among refugees - were legitimate, they should not be allowed to undermine the right to asylum. IOM, with all its experience, could help resolve that problem and also combat trafficking in persons without necessarily harming the international protection regime. In his view, that regime should be part of a far broader framework ranging from the physical protection of refugees to voluntary repatriation and the creation of favourable conditions for the reintegration of refugees. It was also important to protect refugee women and children from sexual exploitation, to take preventive measures to reduce massive flows of refugees and to establish close and effective cooperation between countries of origin and host countries. He supported the idea of a forum on protection and hoped that civil society as a whole would be closely involved in it.

51. Mr. CUTILLO (Italy) said that his delegation shared the view of UNHCR that the implementation of the Agenda for Protection required a clear definition of priorities and responsibilities. In that respect, his Government was prepared to examine, in the appropriate setting, the composition and mandate of the forum on protection, with the aim of avoiding duplication and establishing an effective and representative body. His delegation shared the concerns expressed about mixed flows and stressed the need for all States to work jointly with UNHCR on the adoption of measures to prevent and punish trafficking in persons, in accordance with the principles set out in the protocols to the United Nations Convention against Organized Transnational Crime. It was also important to ensure the physical protection of refugees, particularly of women and children.

52. Mr. SCIARONE (Netherlands) said that the implementation of the Agenda for Protection posed a major challenge to States, UNHCR and NGOs because of the many issues it dealt with. It was therefore important to begin at once by setting priorities, defining a realistic time frame and assessing the financial consequences. Priority should be given to issues related to UNHCR's mandate, including the strengthening and implementation of the 1951 Convention and 1967 Protocol, support for UNHCR and for countries hosting a large number of refugees and the search for durable solutions. He welcomed the idea of establishing a forum on protection, but thought that it should be held within the framework of the Executive Committee and should have an intergovernmental dimension. While applauding UNHCR for its work on developing procedures to determine refugee status, he believed that secondary movements needed to be curtailed and that refugees should first seek asylum in neighbouring countries. The efforts made by UNHCR to strengthen the capacities of host countries were crucial in that regard, as was recognition of the principle of sharing burdens and responsibilities.

53. Ms. MAGUIRE (United Kingdom of Great Britain and Northern Ireland) said that the implementation of the Agenda for Protection required clear priorities to be set, since priorities could differ from one country or region to another. She would like to see particular emphasis on the protection of refugee children, in accordance with the principle of the best interests of the child embodied in the Convention on the Rights of the Child. For the purposes of the implementation of the Agenda for Protection, UNHCR and States needed to rely on NGOs not only as service-providers, but also as intellectual partners.

54. Mr. SCHUYT (New Zealand) said that the Agenda offered a concise and detailed framework for overcoming the shortcomings of the current asylum regime. In order to make it as effective as possible, it was important to determine clearly which parties should act, define responsibilities for its implementation and establish mechanisms to facilitate progress. It was also important that refugees should benefit quickly from the effective protection to which they were entitled. To that end, the assistance provided in cases of mass inflows and the various asylum systems needed to be improved, particularly by improving refugee registration, making effective arrangements for the prompt repatriation of those who did not need international protection and addressing the root causes of refugee movements.

55. His Government attached great importance to combating trafficking in persons and to reducing irregular movements and unjustified secondary movements, as those phenomena helped undermine the asylum system and reduced the resources available for the protection of those in greatest need.

56. His Government strongly supported efforts to ensure fairer burden-sharing and to boost international cooperation in dealing with refugee problems worldwide. It was true that a small number of poor countries and developing countries bore a disproportionate share of the burden of receiving large refugee populations. Those countries should be able to rely on the support of the rest of the international community.

57. As a resettlement country, New Zealand was in favour of expanding opportunities for resettlement and the use of resettlement as a means of burden-sharing. It was necessary to look for a more consistent, comprehensive and harmonized approach to resettlement and to ensure that refugees in all regions had equitable access to the opportunities provided.

58. Responsibility for the follow-up to the Agenda for Protection should be shared. All parties concerned should have an opportunity to examine the priorities and a mechanism should be set up to assess on a regular basis the progress made and the problems encountered during implementation. He expressed support for the proposal to set up a forum to consider protection issues.

59. Mr. SEIF KHATIB (United Republic of Tanzania) said he was pleased that the issue of combatants had been partially addressed insofar as they should not be considered as asylum-seekers unless it had been established that they had genuinely and definitively given up their military activities and that they should not mix with refugees. However, clear decisions would need to be taken on where to keep them, who should be responsible for them and take care of them and what should be done with those who were turned away.

60. His delegation recognized that host States must ensure that refugees and asylum-seekers were accorded due international protection, but that did not mean that the security concerns of the host country should be overlooked. A State could not be expected to guarantee the security and protection of refugees and asylum-seekers without giving due consideration to the security and protection of its own citizens and other foreigners. Both groups should be accorded their right to security and protection, particularly in areas affected by refugee movements.

61. Mr. SHIRAZI (Islamic Republic of Iran) said that his delegation welcomed the idea of maintaining the impetus of the global consultations process. In that respect, the emphasis should continue to be on international assistance, burden-sharing and durable solutions. He reaffirmed his Government's willingness to implement the Programme of Action and the guidelines contained in the Agenda for Protection. As a host country, the Islamic Republic of Iran was convinced that the best way to tackle the current problems of population movements and mass inflows of refugees was to take a dynamic approach. The Agenda was based on a similar approach. However, it should not call into question the validity and centrality of the 1951 Convention and 1967 Protocol. As had been stressed during the Global Consultations, no further obligation should be imposed on States parties. For the purposes of implementing the Agenda and prioritizing the various tasks, a realistic approach that took account of the importance of international assistance and burden-sharing should be adopted. International refugee protection could not be satisfactorily guaranteed without giving sufficient international assistance to host developing countries. His delegation welcomed the High Commissioner's comments on the relationship between durable solutions and burden-sharing and agreed with the Director of the Department of International Protection that it was vital to develop ways to make a clear distinction between those in real need of protection and others.

62. Mr. LUBBERS (United Nations High Commissioner for Refugees), clarifying some points regarding the issue of sexual violence in West Africa, said that, at the request of the United Nations Office of Internal Oversight Services (OIOS), which had wanted to know what measures UNHCR had already taken in that respect, UNHCR had prepared a document entitled "Highlights of some actions taken by UNHCR to prevent the exploitation of refugees". Among other things, the document mentioned the code of conduct, inter-agency cooperation and support for the activities of the Inter-Agency Standing Committee. Upon learning of the problems in West Africa, UNHCR had taken steps to improve the organization of refugee protection and had provided OIOS with all the information on the allegations against it. The report by OIOS had been completed, but not yet published, as it had yet to be considered by the Secretary-General and the General Assembly. Comments on the matter by members of the Executive Committee would be welcome. The positive side to the whole question was that awareness of the exploitation of refugees had been increased and that refugees would be better protected and prevention enhanced as a result.

63. The media had seized on a draft report by OIOS to grossly exaggerate the incidents, reporting allegations of widespread violence by officials from numerous humanitarian agencies, including United Nations agencies, UNHCR, in particular, and NGOs. The record should be set straight. In preparing its draft report, OIOS had initially looked into allegations concerning 67 cases of sexual exploitation, but without checking the reliability of the allegations. Only then had it turned its attention to determining how many of those cases were genuine. It had found 12 such cases, but it had not been possible to verify the corresponding allegations. It had then decided to send an investigation team to the area, as a result of which it had drawn up a list of 31 possible cases, including 10 for which the facts had been verified. In those 10 cases, the persons involved had been a United Nations volunteer working with UNHCR and members

of NGOs. No UNHCR official had been implicated. UNHCR had been criticized for not taking sanctions, but, in the circumstances, there was no one it could take action against. Nevertheless, UNHCR would continue to apply a policy of zero tolerance and NGOs should do likewise. UNHCR did not have sufficient human resources available to ensure refugee protection on its own, either in the camps or, more generally, in the regions across which population movements took place, but it could step up its efforts to make that protection more systematic. Although none of its staff members had been involved in the violence against refugees, the proposed code of conduct would make it easier for UNHCR to contact its partners and other agencies in order to encourage them to apply stricter standards of behaviour.

64. Ms. FELLER (Director, Department for International Protection) said she had taken careful note of the comments by delegations and would give a more detailed reply to their questions during the exchange of views and information on the follow-up to the Agenda for Protection scheduled for the following day. Some NGOs had expressed concern at what they perceived to be the watering down of the conclusions of the Executive Committee. Needless to say, those conclusions were in no way intended to lessen the importance of existing conventions. One delegation had pointed out that NGOs were not simply service-providers, but also intellectual partners which should be involved in the follow-up to the Agenda for Protection. With regard to the question on combatants, part of the answer could be found in the conclusion on the civilian nature of asylum. The question had also been discussed during the Global Consultations and at a regional seminar on maintaining the civilian and humanitarian nature of asylum, held in Pretoria in February 2001.

65. The representative of the United States had asked a number of specific questions which it would not be possible to answer at the current session for lack of time. Answers would be given directly to the United States delegation at a later date. It was difficult to say how many protection officers UNHCR had, as many UNHCR staff members performed protection tasks, alongside their other tasks, even though they were not called "protection officers". The total number of administrators responsible for protection, excluding assistants, was 233 in 2002 and 112 additional posts would be created in 2003.

66. The representative of Australia had commented on what he saw as a criticism of the streamlining of asylum procedures in the Note on international protection. It was not a criticism, as UNHCR had been advocating such streamlining for years, including during the Global Consultations. Its only concern in that regard was to ensure that such streamlining did not entail a weakening of the fundamental guarantees of protection and related rights.

67. In response to the comments by the representative of Finland, she said that UNHCR would not be publishing a new updated version of its handbook in the near future, but would be supplementing it with a new series of guidelines that had emerged from the Global Consultations. The new initiatives to be taken in the legal field would be in line with the "Convention Plus" and the guidelines.

68. The representative of India had stressed the search for solutions in regions of origin. Great caution was needed in that regard and emphasis should be placed on burden-sharing.

Adoption of draft conclusions

69. The CHAIRMAN said he took it that the Executive Committee wished to adopt draft conclusion 1.

70. It was so decided.

The meeting rose at 1 p.m.