



General Assembly

Distr.
GENERAL

A/AC.96/SR.595
24 October 2005

Original: ENGLISH

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

Fifty-sixth session

SUMMARY RECORD OF THE 595th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 October 2005, at 3 p.m.

Chairman: Mr. MARTABIT (Chile)

CONTENTS

STATEMENT BY THE HIGH COMMISSIONER AND GENERAL DEBATE (continued)

REPORTS ON THE WORK OF THE STANDING COMMITTEE (continued)

(a) INTERNATIONAL PROTECTION

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.

GE.05-02725 (E) 181005 241005

The meeting was called to order at 3.05 p.m.

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

1. Mr. TCHARIÈ (Observer for Togo) said that violence during the 2005 presidential elections had resulted in the internal displacement of some 10,000 people, and an estimated 40,000 had fled to Benin and Ghana. In an attempt to restore calm, a coalition Government had been formed under an opposition party leader. An independent inquiry into the causes of the violence had been launched, which should provide some lasting solutions to the unrest. The Head of State had visited many of the areas affected by the violence to witness the damage and to call for calm, peace and reconciliation, and the Prime Minister and other ministers had relayed that message throughout the country.
2. The Government had established a body to coordinate protection and assistance for the voluntary repatriation of refugees and the return of internally displaced persons (IDPs), which it regarded as a top priority. Togo was grateful to UNHCR, other United Nations agencies, non-governmental organizations (NGOs) and Ghana and Benin for the support they had provided at that difficult time. All the people who had been detained for participating in the violence had been freed, and the authorities were currently considering an amnesty bill. Many IDPs and some refugees had returned to their homes, and a plan of action for the repatriation and reintegration of all remaining refugees and IDPs had been adopted in September 2005 to ensure their dignified and safe return. Tripartite agreements would be signed between Togo, UNHCR and the two neighbouring countries Ghana and Benin to ensure that the necessary legal and socio-political guarantees were in place for the safe return of all Togolese people. While microcredit and community projects would be made available to minimize tension and encourage social cohesion, international assistance was needed to provide returnees with schools, housing and employment.
3. Some 13,000 refugees from West Africa and the Great Lakes Region lived in Togo, and were well integrated into society and protected by the Government.
4. Ms. MUSHELENGA (Namibia) added the condolences of her Government and people for the victims of the recent bombings in Bali, Indonesia.
5. While the Government was taking measures to cope with Namibia's colonial legacy, which had left the majority of people landless or living on unproductive land, it was difficult to balance the interests of disadvantaged Namibians with the needs of refugees and asylum-seekers. Namibia currently hosted some 6,455 refugees, the majority of whom were Angolans. It was expected that most of them would return voluntarily to Angola by the end of 2005. Despite its meagre resources, Namibia was striving to protect refugees and asylum-seekers on its territory while also taking care of those affected by HIV/AIDS, in line with the Millennium Development Goals.
6. She agreed with the Algerian delegation that consistent support should be provided to the Saharawi refugees until a lasting solution to their plight could be found. The Namibian Government trusted that the conflict in southern Sudan would soon be resolved, and further suffering of the IDPs in Darfur avoided.

7. The countries of the Southern African Development Community should continue their efforts to harmonize their asylum legislation so that economic migrants did not deprive genuine refugees of the protection and assistance they deserved. That approach would help combat irregular or secondary movements by asylum-seekers and refugees who moved from one country of asylum to another in search of better economic conditions.

8. The peacebuilding efforts in the Democratic Republic of Congo, Burundi and Liberia should help to reduce significantly the refugee and asylum-seeker population in Africa. In view of the current reluctance of Rwandan refugees to return home, however, she called on UNHCR to revoke the cessation clause that had been signed so that all Rwandans would voluntarily repatriate and participate fully in the peacebuilding process.

9. The Peacebuilding Commission and the international community as a whole should strive to find durable solutions to all refugee crises; voluntary repatriation was the most effective, with resettlement and local integration as other options. Burden sharing was equally important. UNHCR should continue its efforts to protect the refugee population in Africa in conjunction with the World Food Programme. She commended the European Union on its commitment to a long-term strategy for partnership with Africa, which would complement UNHCR protection of refugees and IDPs on the continent.

10. Namibia joined the call for a clear mandate on the protection of IDPs, with UNHCR to lead the clusters on protection, camp coordination and management of refugees and IDPs. Given that the High Commissioner had outlined the conditions for UNHCR involvement in IDP rescue operations, all States should implement the Guiding Principles on Internal Displacement.

11. MR. SALLE (Observer for the Central African Republic) said that his country had ratified many important international instruments, including the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol and the 1969 OAU Convention governing the Specific Aspects of Refugee Problems in Africa. Since its independence, the Central African Republic had striven to protect refugees, and had established the National Commission for Refugees to that end. A bill on the status of refugees was currently being prepared, and a tripartite agreement was to be signed by the Central African Republic, Sudan and UNHCR to allow for the safe and dignified voluntary repatriation of Sudanese refugees living in the Central African Republic. Of the 30,000 refugees currently residing there, some 4,000 were asylum-seekers of various nationalities. They had all been welcomed without discrimination on grounds of nationality, political opinion, religion or ethnic origin.

12. The voluntary repatriation of refugees from the Democratic Republic of Congo had begun in 2004. That process was ongoing, and the voluntary repatriation of all refugees from Chad had recently been completed. An inter-agency mission to the Ouham region, headed by UNHCR, had concluded that the humanitarian crisis there was serious. The international community should provide assistance to the most vulnerable sectors of the population there and should promote the resumption of socio-economic activity. The local authorities should guarantee that the residents of the affected areas had access to food and health care.

13. Ms. SOYINKA-ONIJALA (Nigeria) said that about 7,000 Nigerian refugees had returned from the Republic of Cameroon in 2005, having fled there during communal conflicts. Nigeria appreciated the hospitality its citizens had received, and the assistance UNHCR had

provided to repatriate them. Having spent some 207 million nairas (1.3 million US dollars) on the repatriation process, the Government urged the international organizations and donor countries that had pledged support to fulfil their promises. UNHCR could then assist in the reintegration, reconstruction and rehabilitation processes.

14. She issued an urgent appeal to the international community for help for those living in the Oru refugee camp. Food was currently available only to the most vulnerable, and even that was not provided on a regular basis. Increasing numbers of teenage girls from Sierra Leone were turning to commercial sex work as a means of survival. The risk of illness and of HIV/AIDS infection was becoming more serious as conditions in the camp deteriorated. The situation could force refugees to return to their countries of origin, where they risked human rights abuses.

15. The Economic Community of West African States and UNHCR planned to set up a training centre for government and non-governmental staff in the West Africa subregion to respond to mass population displacement. A West African civilian roster for humanitarian and peacebuilding missions would also be developed, which would support international humanitarian operations worldwide. The centre would be established in Abuja with a generous donation from the Nigerian Government, and should be operational by early 2006. She urged the international community to support the project.

16. She endorsed the call for a more coherent structure to deal with the plight of IDPs worldwide. While welcoming the promise of UNHCR assistance with the IDP situation in Nigeria, she requested further details on how the discussions on a focal agency would be conducted and who would be take part in them.

17. Ms. NGENDA HAYO (Observer for Burundi) said that in 2005 her country had entered an era of democratic renewal, in which elections had been held at several levels in line with international guidelines, and a post-conflict Constitution had been adopted. That had encouraged many refugees to return to Burundi; the Government thanked the countries that had provided asylum for those citizens, particularly the United Republic of Tanzania. While Burundi was grateful for the assistance given to its returnees under the auspices of the tripartite agreement between Burundi, the United Republic of Tanzania and UNHCR, caution should still be exercised, given the continuing instability in the region. Her Government believed that the time was ripe for organized repatriation to begin, with the help of UNHCR. It was disappointing that insufficient funds had been provided for the current facilitated repatriation process. Burundi thanked the European Union and the other donors that had supported that process, and urged other donor countries to take action to assist the refugees of Burundi and the Great Lakes Region.

18. Burundi had hosted many refugees from other countries in conflict, particularly Rwanda. The Government had launched a campaign to raise awareness among women and children from that country who were often pushed into exile by rumours and unrest rather than genuine danger. About two thirds of the Rwandan asylum-seekers had returned home, and the authorities were processing the asylum requests of those who had stayed in Burundi. The Government was currently drafting asylum legislation in order to incorporate the relevant provisions of international law.

19. Ms. CROMPTON (New Zealand) agreed that UNHCR had the expertise to lead the protection, emergency shelter and camp management clusters. Dialogue with Executive Committee members should continue in the period prior to the Inter-Agency Standing Committee Principals' meeting in December 2005 to ensure that any decision taken at that meeting had the members' full support.
20. She called on members to remedy the shortfall in the 2005 UNHCR budget. New Zealand had recently contributed NZ\$ 1 million in response to the Supplementary Appeal for Eastern Chad and Darfur, Western Sudan. The 16 per cent increase required by the 2006 budget was of concern as part of it followed the absorption of two supplementary programmes. New Zealand looked forward to the development of criteria and analysis of the impact of that move so that members could understand the long-term implications. New Zealand would increase its annual contribution to UNHCR in 2006 and would indicate its forecast contribution for the following two years, subject to its usual budgetary process. That funding would be untagged and would not require additional reporting, in line with the principles of Good Humanitarian Donorship.
21. Her Government strongly supported the emphasis laid on protection; all UNHCR staff should see themselves as protection agents for everyone of concern to the agency. New Zealand approved the UNHCR management reorganization and the appointment of an Assistant High Commissioner for protection, which would improve the focus on protection on the ground. It was imperative that UNHCR should pursue its five commitments to refugee women and the five priorities for refugee children. The creation of a dedicated Resettlement Service was a positive development that should expedite solutions for protracted refugee situations.
22. Ms. McGILL (Observer for Liberia) said that over the past year adequate results had been achieved in the restoration of durable peace, security, the rule of law and stability in Liberia, through the efforts of the international community, international organizations, and donors to implement the Comprehensive Peace Agreement. The positive developments in the situation had resulted from the deployment of United Nations peacekeeping staff across the country, the commitment of the warring parties, and the disarmament and demobilization of the ex-combatants. Following the announcement that Liberia was safe for return and the conclusion of tripartite agreements with the major asylum countries hosting Liberian refugees, 39,851 Liberian refugees had been repatriated with assistance from UNHCR.
23. Since repatriation did not necessarily mean reintegration, Liberia requested UNHCR to continue to strengthen reintegration activities in respect of shelter, health, education and road networks in communities of return in order to assist recovery and sustainable development. If such measures were taken, Liberia would be better prepared for a possible influx of refugees from Côte d'Ivoire, where the situation remained unpredictable. UNHCR must be recognized as the coordinating body for all IDP, returnee and refugee activities in Liberia. The Government hoped that donors would respond positively to meet the needs of the 64,000 IDPs in Liberia. Her delegation wished to reiterate the importance of using seaworthy vessels to allow Liberian citizens to return home with their belongings. Her Government was particularly grateful to all stakeholders that were providing humanitarian assistance and hoped that the process would continue to be free, fair and transparent in order to consolidate the restoration of peace.

24. Mr. MENGA (Observer for Congo) said that, while the end of east-west rivalry had raised hopes of a safer world, other, national conflicts were arising and creating instability inside States, and increasing Africa's refugee population. The Congo currently provided asylum to over 65,000 refugees. Repatriation procedures had begun in 2005, and the midterm evaluation of those procedures had shown that only 3,558 refugees had been repatriated. His delegation urged all concerned parties to work towards maximizing repatriation, since the human dignity that was lost in exile could only be recovered at home.

25. The Government of the Republic of the Congo was currently assessing asylum applications received since the beginning of 2005 from citizens of African countries suffering from internal conflict. The majority of refugees returning to the Republic faced reintegration problems, and the Government therefore appealed to international authorities to provide assistance in that regard. The daily life of refugees in the Republic was having a negative impact on the ecosystem, which required long-term solutions. He wished to thank the regional office of UNHCR in the Congo for its high level of collaboration and the positive results achieved. His Government was making considerable efforts to ensure reconciliation and to re-establish a stable economy. The Congo wished to become a State member of the Executive Committee, and called on all political actors in Africa to make efforts to establish durable peace in the continent and thus reduce migratory flows.

26. Mr. AMEER AJWAD (Observer for Sri Lanka) said that since the ceasefire agreement had been concluded between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), half of Sri Lanka's conflict-affected IDPs had returned to their original places of residence. Unfortunately, human rights violations, such as the forced recruitment of children by LTTE, had hampered return. Transition from a ceasefire to sustainable peace was therefore fundamental, and the resumption of peace talks was crucial. His Government was particularly grateful to the international community for its continuing efforts to persuade LTTE to resume negotiations.

27. In December 2004, 150,000 people had been displaced as a result of the tsunami, which had increased the burden on the Government of Sri Lanka in extraordinary circumstances. He thanked UNHCR and the International Committee of the Red Cross (ICRC) for their swift response, which had enabled the needs of tsunami victims in conflict-affected areas to be addressed without discrimination. The Ministry of Relief, Rehabilitation and Reconciliation of Sri Lanka was mandated to reconstruct the tsunami-affected communities in the north and east. The UNHCR country operation plan for Sri Lanka for 2006 had been developed in a spirit of equity, with equal treatment of all IDPs in mind, and was fully supported by the Government. His delegation thanked the High Commissioner, the staff of UNHCR and donors who had provided invaluable support to Sri Lanka.

28. Mr. NDJEMBA ENDEZOU MOU (Observer for Cameroon) noted with satisfaction the spirit of objectivity, courage and commitment demonstrated by the High Commissioner, and considered that his proposals for UNHCR action would strengthen activities in the field worldwide. The ability of UNHCR to adapt to new circumstances and requirements would enable it to meet the challenges that it faced, with the assistance of donors, NGOs, the private sector, States and host countries, who must coordinate their efforts in a spirit of shared

responsibility. In that regard, Cameroon, which was a host country to refugees from central Africa, maintained and strengthened its commitment to UNHCR objectives and missions, and supported their implementation on the ground. Efforts were being made to include the relevant provisions of the International Convention relating to the Status of Refugees and the Convention Governing the Specific Aspects of Refugee Problems in Africa in the domestic legislation of Cameroon.

29. Cameroon was trying, despite economic constraints, to find durable solutions for the refugees residing on its territory, in collaboration with a number of international bodies and bilateral and multilateral partners. His Government asked for particular attention to be paid to the situation of refugee students, to ensure that they had equal access to academic institutions. His delegation welcomed the targeted activities of UNHCR and other partners to address the socio-economic and humanitarian impact of organized crime, particularly on security, contributing to displacement in the border regions between Cameroon, Chad and the Central African Republic. Africa remained ravaged by inter-State and internal conflicts, natural disasters, pandemics and poverty. Greater efforts should be made to bridge the gap between humanitarian assistance and development.

30. Mr. PAIVA (International Organization for Migration - IOM) said that IOM and UNHCR had been working together on refugee and IDP crises for over half a century. In recent years, economic migration had increased, and had become recognized as an important policy issue. IOM had diversified its programme activity to increase the focus on facilitating labour mobility, enhancing the developmental impact of migration, and working to minimize clandestine flows and abusive practices, such as trafficking in persons. The six-agency Geneva Migration Group had already proved useful, and could be expanded in accordance with the report of the Global Commission on International Migration. Dialogue between the main international institutions dealing with population mobility must be strengthened. IOM would make efforts to foster closer coordination and more coherent responses.

31. Over the past year, IOM and UNHCR had collaborated on voluntary repatriation in Southern Africa and third-country resettlement from Central Asia. The two agencies had developed complementary responses to the needs of suffering people in Darfur, and had engaged in regular dialogue on the situation in Afghanistan. They would be jointly chairing the concluding meeting of the Commonwealth of Independent States Conference Process, and worked as partners on a range of initiatives in the Inter-Agency Standing Committee. Interaction between the two organizations took place in the context of a Memorandum of Understanding that had been concluded in 1997. Since the conclusion of that agreement, the effects of globalization on human mobility had drawn attention to the international legal framework for protection and regulation of migratory movements. In response to that situation, IOM had established a unit for international migration law. Since population movements were an integral part of the contemporary world, IOM recognized the need to work with partners to provide appropriate responses in an effective and cost-efficient manner.

32. Mr. AROWOBUSOYE (Economic Community of West African States - ECOWAS) said that the West African subregion had been plagued with conflicts and political turmoil, as a result of which, over the past 15 years, more than 1 million people had been killed, 2 million had been internally displaced, and 1 million had become refugees. ECOWAS made efforts to stem

conflicts and respond to the refugee and IDP crises, laying particular emphasis on early warning, mediation and arbitration. Activities focused on preventive measures, implemented through cooperation between ECOWAS early warning offices across West Africa and collaboration with civil society. The Council of Elders carried out mediation and monitoring activities on behalf of ECOWAS. Aware of the impact of small arms on conflict, ECOWAS was transforming its existing moratorium on small arms into a binding convention.

33. Where conflicts had arisen, ECOWAS had established systems, mechanisms and organs to manage and resolve them, including the deployment of peacekeepers. It recognized the magnitude of the challenges before it, and therefore operated on the principle of complementarity. It constantly sought to improve the capacity of its secretariat and States members to address refugee and IDP issues, by forging alliances with institutions such as UNHCR. ECOWAS collaborated closely with UNHCR on joint projects, including direct intervention and training programmes for States members. The establishment of an emergency centre was planned, to address issues such as large-scale displacement and carry out capacity-building activities to enable the subregion to plan and participate in humanitarian operations.

34. ECOWAS was striving to ensure that peace and security, without which there could be no development, reigned in the West African subregion. It therefore continued to seek support from the international community.

35. Mr. FOURNIER (International Committee of the Red Cross - ICRC) said that his organization had repeatedly underlined that international humanitarian law, which was legally binding on State and non-State actors in situations of armed conflict, remained adequate to address the majority of conflict-related internal displacement problems. Although IDPs were not expressly mentioned in any instrument of international humanitarian law, they were civilians entitled to full protection in situations of internal or international armed conflict, provided that they were not taking part in the hostilities.

36. International humanitarian law operated to prevent displacement and afford protection when it occurred, and thus contained provisions to prohibit the forcible displacement of civilians. Violations of those prohibitions constituted war crimes under the Rome Statute of the International Criminal Court. There were also numerous regulations intended to protect civilians against the effects of hostilities, which if respected could prevent displacement. Under international humanitarian law, parties to an armed conflict must respect the integrity of protected persons and meet their basic needs in respect of food, shelter and medical care. Improving compliance with international humanitarian law remained an important challenge.

37. ICRC always tried to establish a permanent presence on the ground as close as possible to persons affected by armed conflicts and internal disturbances, in order to assess and understand their situation and monitor whether their rights were being respected and their needs met. It concentrated its efforts on the most vulnerable groups and endeavoured to address their protection and assistance needs. It did not limit its action to predefined categories of victims of conflict. In 2005, ICRC had carried out over 35 IDP assistance operations worldwide, and had sought to find a balance between cases where IDPs were best protected through targeted actions,

and those where they could be assisted through general efforts aimed at broader segments of the population. ICRC programmes were designed to promote the self-reliance of affected communities, to avoid increasing the disparities between sectors of the population, and to facilitate return when the circumstances were appropriate.

38. Owing to the complexity of the issues, no single humanitarian agency alone could respond to the needs of IDPs. Coordination was therefore essential and must be based on complementarity between humanitarian organizations. ICRC had its own specific mandate and mode of operation. It would continue to follow with interest the reforms of the United Nations humanitarian system. ICRC reaffirmed its commitment to strengthening the principle of complementarity and would contribute to the reform in accordance with its specific mandate.

39. Mr. MISTER (International Federation of Red Cross and Red Crescent Societies - IFRC) said that IFRC was searching for improved mechanisms to ensure that communities affected by emergencies were integrated into the design, implementation and evaluation of relief and recovery programmes. The tsunami and earthquake disaster in the Bay of Bengal in 2004 had demonstrated that some situations required swift and effective responses from the international community, in addition to the efforts of local communities, national governments and international humanitarian organizations. The experience of the tsunami had revealed issues that must be addressed, including the need for IFRC to play a more active part in working with the United Nations, particularly in the provision of shelter to persons affected by natural disasters. IFRC would collaborate with UNHCR to improve capacity for shelter, camp coordination and management. The IFRC Governing Board had recognized that challenges and capacity gaps existed in the provision of shelter and the Federation would submit a detailed proposal on improving that situation to the General Assembly later in the year.

40. Although IFRC was encouraged by the tenor of the inter-agency level debates, it did not consider that they would necessarily resolve protection problems. The Federation therefore called on Governments to provide a secure environment for humanitarian operations to ensure better protection. Efforts had been made to raise awareness of forgotten and neglected emergencies, and IFRC considered that particular attention must be paid to protracted refugee situations, with a view to finding solutions that enabled the affected refugees or IDPs to resume a normal way of life. It was particularly important that alternatives to camps should be developed for the protection and assistance of the displaced. IFRC urged UNHCR to find, where possible, community-based solutions that enabled refugees and IDPs to be integrated into local communities, to decrease the risk of dependency and protracted assistance. He expressed thanks to the local communities and volunteers who assisted displaced persons, refugees and asylum-seekers.

41. Mr. RAWLEY (United Nations Development Programme - UNDP) said that significant results had been achieved at the recent United Nations Summit in New York in strengthening peace, security, human rights and development. UNDP would continue to collaborate closely with the Secretary-General on the United Nations Peacebuilding Commission in order to establish an effective mechanism for supporting collective United Nations contributions to post-conflict peacebuilding and recovery. UNDP was particularly gratified at the reaffirmation of the international community's commitment to the Millennium Development Goals (MDGs)

and the global partnership for development. It was important for countries to take account of the needs of displaced populations in their efforts to attain the MDGs, since those populations were among the poorest and must be taken into consideration in the preparation of national transition and development plans and poverty reduction strategies. UNDP and the United Nations Millennium Project had developed an integrated package of services to help prepare poverty reduction strategies based on MDGs.

42. UNDP welcomed the opportunity and challenge provided by the Humanitarian Response Review and was committed to leading the cluster on early recovery in natural and man-made disasters. In that regard, UNHCR would be a key partner in efforts to ensure that multidimensional recovery processes began early, in order to establish a basis for long-term development. Reintegration was a particularly important aspect of that process. Efforts were being made to determine key partners for early recovery processes and define existing and required capacities, in order to ensure that the challenges could be effectively met. UNDP would seek to coordinate with other agencies to fulfil its early recovery mandate, and would focus its own work on capacity-building.

43. The essence of the 4Rs initiative was to incorporate a development perspective in early recovery and reintegration and to develop comprehensive solutions that focused on communities rather than distinct population groups. Piloted in Afghanistan, Sierra Leone, Sri Lanka and Eritrea, the concept was being applied in a number of other countries. A review of those pilot projects was expected to be finalized by the end of 2005. The comments made by interested Governments had been taken into consideration. Creating an institutionalized common approach to reintegration and early recovery remained a challenge. The lessons learned from the 4Rs review would be used to inform decisions on ways to increase the predictability and accountability of the humanitarian response system in the area of early recovery.

44. UNDP's role in early recovery was expected to help close the gap between relief and development. The gap between protection through UNHCR and the United Nations Children's Fund (UNICEF), among others, and long-term institutional efforts required to strengthen the rule of law also needed addressing. Therefore, UNDP had undertaken to work on issues relating to the rule of law, governance and transitional justice in post-disaster and conflict situations. It also participated actively in the cluster working group on protection led by UNHCR.

45. Tolerance and conflict prevention were crucial to sustainable solutions for displaced populations. UNDP had developed a conflict prevention tool and had systematically reviewed UNDP country office programmes, in particular in countries in conflict or post-conflict situations. A pilot project had been launched in Sri Lanka to monitor and evaluate early recovery with the participation of local communities.

46. UNDP hoped to discuss with UNHCR areas for further collaboration, including ways to incorporate displacement issues into development initiatives and poverty reduction strategies; UNHCR's contribution to achieving the Millennium Development Goals; the development of benchmarks and indicators and monitoring and evaluation tools for sustainable reintegration; continued collaboration through the new cluster approach; a review of the role of UNDP country offices in supporting development assistance for refugees; and a review of countries where UNDP had played a role in refugee-hosting communities.

47. Ms. VERZUU (United Nations Volunteers, UNV) said that volunteers performing frontline operational duties and living and working at the heart of some of the most difficult operations undertaken by UNHCR made an important contribution to the overall effectiveness of its field presence. She cited the example of Joel Ly, a UNV civil engineer from Cambodia, who was UNHCR site manager for the construction of a school for displaced children in a rural community of Burundi. For years, the community had been using a makeshift school without sanitary facilities, where three dedicated local teachers had taught over 100 children, in spite of the appalling conditions. The project had been undertaken with UNHCR support, in cooperation with the local community and partners. For Joel Ly, who himself had grown up in a UNHCR supervised refugee camp, being a part of that project had been particularly meaningful. His dedication and personal involvement gave an indication of the extent to which UNV contributed to the work of UNHCR and the United Nations in general.

48. The true value of UNV lay in the people it attracted: concerned global citizens, professionals who admired United Nations fieldwork and wished to be involved. UNV provided an opportunity for thousands of professionals each year to do so, and that spirit resonated wherever United Nations volunteers served. UNV's cooperation with UNHCR had increased steadily and volunteers currently accounted for over 10 per cent of UNHCR field staff. Professionals engaged with UNV worked both nationally and internationally. UNV served as a recruitment agent to complement the UNHCR human resource pool with competent, motivated people and looked forward to ever closer cooperation.

49. Mr. GETMAN (International Council of Voluntary Agencies - ICVA) said that humanitarian response to internal displacement had been inadequate for years. The lack of leadership, accountability and predictability of the system continued to hamper effective action. The cluster approach, and the decision that UNHCR should take a lead role in the three areas that were crucial to IDP response, was an important step towards addressing existing shortcomings. UNHCR's experience in protection could, it was hoped, be used for the benefit of displaced persons.

50. In becoming involved with IDPs, UNHCR would depend on Governments, which needed to ensure unimpeded access for humanitarian agencies and ensure the safety of humanitarian staff. Humanitarian access was at times withheld arbitrarily and staff faced high levels of insecurity. States should honour their obligations under international humanitarian law in that respect. In the Democratic Republic of Congo, for example, information about Congolese IDPs was insufficient and inaccurate. Following the kidnapping of two humanitarian NGO staff near one IDP camp, the humanitarian presence in that area had been reduced to a minimum. Similarly, the Zimbabwean authorities continued to obstruct and curtail humanitarian operations. UNHCR might find itself in much the same situation if it were to become involved in IDP response.

51. To ensure availability of the necessary additional financial resources, donor Governments must fulfil the commitment made under the principles of Good Humanitarian Donorship to allocating humanitarian funding in proportion to assessed needs. UNCHR's shortfall in funding amounted to some US\$ 200 million and NGOs were concerned that, without additional resources, IDP response would remain unpredictable.

52. While the cluster approach could serve to coordinate the response, it must focus on broader humanitarian needs. Many of those in conflict situations who were not displaced had similar needs to IDPs. Also, humanitarian actors needed to be realistic about their role in protection; even a large number of protection officers on the ground could often not stop attacks on the civilian population. The provision of protection by humanitarian agencies needed improving, and protection and assistance must be part of a single strategy. Also, Governments that failed to honour their obligations must be held accountable.

53. UNHCR human resource capacities needed strengthening. While the proposed International Protection Standby Capacity (PROCAP) could fill short-term staffing gaps, an adequate response to internal displacement would require, in particular, building up UNHCR staffing capacities in terms of protection staff. There had been no indication as to how the UNHCR's age, gender and diversity mainstreaming strategy would be implemented in practice. There was concern that the breakdown of protection into clusters might run counter to that principle.

54. The situation where UNCHR would provide concrete assistance in each of the three clusters under its leadership would need to be defined. UNHCR needed to establish criteria for IDP situations in which it would not get involved. It remained unclear, for example, how the principle of non-involvement in situations when its core mandate was under threat would be applied in practice. NGOs would be ready to work with UNHCR to clarify those criteria.

55. In order to implement the cluster approach, it must be moved away from headquarters to the field level. Instead of focusing on bringing international NGOs into the process, greater emphasis should be laid on participation of national and local NGOs, not least to build national and local capacities that might be sustained as the IDP situation moved to a long-term resolution. NGOs welcomed the High Commissioner's commitment to greater NGO involvement in the process. To ensure such strategic partnerships, it might be useful to re-examine the Framework Agreement on Operational Partnership as a potential model.

56. Serious failures in IDP response included the case of Uganda, where an estimated 2 million IDPs were unable to return for security reasons; the aforementioned situation in the Democratic Republic of Congo; Colombia, where it was estimated that one in every 50 persons was displaced; and Nepal, where limited access to the displaced impeded an accurate assessment of their humanitarian needs. He hoped the new cluster approach would contribute to improving those and other situations.

57. The CHAIRMAN, summing up the general debate, said that the discussions had clearly been influenced by the current climate of reform in the United Nations, which was likely to have considerable impact on the humanitarian sector. There were emerging opportunities that might offer new hope for durable solutions, such as the proposed creation of a Peacebuilding Commission, which had been broadly welcomed as an important step towards conflict resolution, and efforts to strengthen the implementation of the MDGs to alleviate some of the major causes of displacement. Delegations had welcomed UNHCR efforts to forge closer links with development agencies while retaining its distinct, humanitarian vocation.

58. There had been unanimous agreement that protection must remain the core function of UNHCR. The tendency to equate asylum-seekers with criminals had been widely rejected. The harmful exploitation of that confusion by certain populist elements was deplorable. While several delegates had echoed the High Commissioner's words that asylum was "a central tenet of democracy", there had been clear recognition that wilful abuse of the asylum system was unacceptable.

59. There had been support for the creation of a new post of Assistant High Commissioner for Protection. Delegates had stated the need for continuing discussion on ways to improve protection and for evaluating the impact of the new structure after two years. Among refugees, women, children, elderly persons and AIDS victims had been identified as in need of special protection, and registration and resettlement had been singled out as important instruments for protection.

60. Members of the Committee had welcomed the priority given by the High Commissioner to Africa, where a number of positive developments had facilitated the voluntary repatriation of numerous refugees. Many protracted situations remained, with little prospect for early solutions, including the situation in Darfur, which remained cause for grave concern. Delegations had urged all belligerents involved to halt the violence, placing great hopes in the forthcoming talks.

61. Identifying durable solutions was of paramount importance, and the High Commissioner's intention to mainstream the Convention Plus activities had received broad support. While the value of some of those activities, notably the resettlement framework and the guide on targeting development, was not contested, some delegations had seen a need for a more practical, field-oriented focus and had expressed the desire for further clarification and information on progress made in the mainstreaming process. Local integration could entail difficulties, and States should be given specific guidance as part of a holistic approach to resolving certain protracted situations.

62. The theme of IDPs had been among the key issues and it had been agreed that the international IDP response had been inadequate, unpredictable and uneven. Efforts under way to correct those deficiencies through a collaborative inter-agency approach, with UNHCR playing a leading role in protection, camp coordination and management, and emergency shelter were commendable. Although the new approach had garnered much support, there had been broad consensus that the additional responsibilities must not undermine the UNHCR's refugee mandate. Fulfilment of those commitments required additional resources.

63. The High Commissioner had received wide support for his new approach to UNHCR management, including his efforts to strengthen the Inspector General's Office and ensure its independence, and the plan to reinforce UNHCR's policy formulation and evaluation function. Recognizing the progress made towards results-based management, delegations had encouraged the High Commissioner to persevere in those efforts. Several delegations had paid tribute to the courage of humanitarian staff, emphasizing that their security should remain a priority.

64. In the light of a projected shortfall in the 2005 budget, adequate funding remained a major challenge. War-ravaged refugee-hosting countries or countries of return that were faced with the needs of vast numbers of displaced persons were in urgent need of moral and financial support from the international community. Some delegations had observed that the situation in

certain countries was deteriorating and that food supplies were critical. The High Commissioner should continue his efforts to broaden and diversify the donor base. There had been a renewed appeal to the international community to show sustained solidarity and generosity in sharing the burden.

REPORTS ON THE WORK OF THE STANDING COMMITTEE (agenda item 5) (continued)

(a) INTERNATIONAL PROTECTION (A/AC.96/965/Add.1, 1007, 1008, 1017 and 1018)

65. Ms. FELLER (Director, Department of International Protection) said that her presentation would deal with how protection was operationalized by UNHCR, which was the main focus of the Note on International Protection (A/AC.96/1008). The Note explained what protection was and the context, often hostile, in which it was delivered. Recent examples of such hostility included the destruction of camps, the arbitrary arrest of lawyers defending refugees in West Darfur and the execution of teenagers by illegal armed groups in Colombia.

66. The Note on International Protection presented a picture of sharp contrasts: high rates of voluntary return; falling asylum numbers; protracted refugee situations; the waning generosity of host States. Abuse, violence and the restriction of basic rights were endemic in many displacement situations. Some States had made progress in building asylum systems, while others had tightened their controls. Refugees had been repeatedly mislabelled as criminals, possible terrorists or illegal migrants whose protection was a secondary issue. There was greater awareness of the problem of statelessness, but not of its implications for the persons concerned.

67. The Note presented the information within the framework of objectives set by the Agenda for Protection, to which the New High Commissioner had reaffirmed his commitment. Operationalizing protection meant giving effect to the obligatory mandate conferred on UNHCR by States. It was understandable that some Governments might feel uncomfortable about UNHCR's exercising its protection responsibilities, since they required it not only to provide assistance and technical advice, but also to defend the rights of refugees when they were placed in jeopardy, sometimes by the negligence or deliberate actions of States. Such humanitarian and non-political action implied no judgement other than that the persons concerned required protection. Operationalizing protection was thus essentially about how problems were addressed through protection delivery in the field. There were numerous obstacles confronting protection delivery, many of which were external to UNHCR and thus difficult to remove. They included States' greater receptiveness to assistance than to protection, adverse security conditions, an inhospitable terrain and the precarious nature of asylum offered by States.

68. The Note drew attention to some of the more innovative efforts of field offices to deliver protection. The first point of contact with refugees and asylum-seekers, wherever that might be, was of particular importance. Field priorities included the health and security conditions in camps. The Note on Protection reported on progress in the area of registration and documentation, partnership activities, and initiatives using a variety of tools to ensure better protection. A more strategic approach to durable solutions, notably resettlement, was an important direction for field programmes. Protection in the broad sense covered assistance to development, peace education, confidence-building, mediation and transitional justice issues.

69. Regarding the internal obstacles to operationalizing protection, i.e. within UNHCR, action was called for in six key areas. Firstly, synergies between operations and protection managers must be improved. That would involve some restructuring of the field support functions provided by headquarters, which must be accompanied by review, notably of UNHCR participation in the renewed United Nations collaborative response to IDPs. Programme planners must also plan activities from the perspective of protection impact: site planning, the mapping of water points and food distribution were examples of activities with direct protection implications, especially for women and children.

70. Secondly, protection delivery must be part of an overarching strategic country framework. Work was under way to improve protection management workshops and to ensure that annual protection reports became an integral part of country operations planning with a view to establishing a more direct link between protection accountability and resource allocation.

71. Thirdly, staff must be trained to meet protection delivery expectations and managers to handle all aspects of the protection function. The UNHCR protection culture must be based on the meaningful participation of refugees in identifying their protection needs. Protection training programmes would need to be tailored to different requirements. Retraining opportunities for non-protection staff and broadening the current range of protection courses were being considered. UNHCR would cooperate with intergovernmental organizations and NGOs on specific training relating to IDP situations.

72. Fourthly, the scope for abuse of protection tools should be minimized. Initiatives already under way or being planned related to dealing with abuse and fraud in refugee status determination and resettlement processes.

73. Fifthly, the resources available must be sufficient to perform tasks effectively. Protection meant presence, i.e. having suitably skilled and experienced staff on the ground and a proper budget to support activities. Possibilities other than creating new posts included using more national staff. The deployment schemes set up several years previously to augment field capacity had served UNHCR very well, perhaps too well in the sense that they had become indispensable to regular programmes and not an extra to meet unforeseen, short-term needs. The question of how to create “in-house” protection deployment capacity was therefore being reviewed, and the possibility of more strategic partnerships with NGOs was being considered.

74. Sixthly, greater access to durable solutions was required, including through the increased use of resettlement. Relevant activities included the current mainstreaming of the Convention Plus initiative, the creation of a new resettlement service as of 2006, the extension of the concept of resettlement hubs to other regions, and greater cooperation with NGOs in resettlement processes.

75. With regard to protection priorities, it was often felt that UNHCR accorded too high a priority to legal protection. It was true that the Office attached importance to the rule of law as a basic safeguard against discretion or pragmatism as the sole guiding principle. Legal protection was a tool for ensuring better all-round protection, and particularly physical safety. Registration was a means of conferring legal personality on individuals who had lost it by fleeing abroad and also of identifying specific needs. A national asylum system ensured a more consistent and

reliable response to refugee influxes. Laws were not the only answer, but they were enforceable or at least invokable. If law-based protection lost its priority the importance of the rights at stake and the rights-based approach would be undermined. Principles existed for specific purposes which must be borne in mind when they were applied, otherwise they would ossify. It was the responsibility of UNHCR to use the legal framework in the service of better protection and not the reverse.

76. The conclusions on international protection adopted by the Executive Committee had been an important tool and source of guidance for States and UNHCR in the past and had helped to operationalize protection in many field situations. However, she feared that tradition was starting to break down, for some delegations seemed to focus more on the form than on the substance of the conclusions. There must be a more collaborative approach to their drafting so as to reflect the views of a truly representative group of States. Overpoliticization of the process would undermine their protection value. Greater NGO participation would therefore be welcome and she looked forward to further discussion along those lines in future.

77. The conclusions to be adopted by the current session of the Executive Committee should include a text on local integration and go some way towards rehabilitating it as a durable solution. Experience had shown that it could be successful in resolving protracted refugee situations. That was especially the case for residual groups of refugees who remained in a country following a voluntary repatriation operation, those who had integrated socially and economically, and others who were unable or unwilling to repatriate for a variety of reasons. The Committee's recognition of that experience would provide UNHCR efforts with the necessary backing to implement that solution, when it was the most appropriate one and supported by the host State.

78. Integration was a key factor in the success of refugee resettlement. However, while UNHCR welcomed the renewed focus of States on how better to integrate resettled refugees, it was concerned that too much emphasis might be laid on integration as the criterion for a State's decision to grant asylum or pursue resettlement options.

79. Resettlement could be a useful responsibility-sharing mechanism for encouraging States to maintain asylum or improve unsatisfactory asylum conditions. UNHCR welcomed the ad hoc offers of resettlement from a number of countries, including the Czech Republic, Germany and Switzerland, and hoped that others would follow their example. With sustained financial support from the Australian, United Kingdom and United States Governments progress had been made in improving UNHCR resettlement-related processes and partnerships with NGOs in anticipation of the launch of the new resettlement service in January 2006. She expressed appreciation for the increased support from Norway to boost the capacity of that new service. To counter fraud in resettlement processes a Resettlement Anti-Fraud Plan of Action had been devised in 2004. There had also been close cooperation with the Americas Bureau with a view to increasing the number of countries engaged in resettlement and strengthening the capacity of others already involved.

80. Pursuant to the Agenda for Protection, the Department of International Protection had been striving to improve the quality and consistency of UNHCR refugee status determination activities, which were another means of operationalizing protection. It was a mandate-based

responsibility currently exercised in more than 80 countries. In addition, UNHCR played an advisory or consultative role in refugee status determination activities in the majority of the remaining 102 countries. UNHCR competence to provide international protection and determine eligibility for it was independent of States' obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It was difficult for UNHCR to carry out its statutory duties unless refugees were identified as such. UNHCR did not normally determine the status of refugees in signatory States, but since under its Statute protection was a mandatory function, it could undertake refugee status determination on its own initiative, as required for protection reasons. When UNHCR determined a person to be a refugee, it was tantamount to a declaration to all States to that effect, thus engaging the responsibility of UNHCR and the international community to protect the person concerned.

81. The UNHCR mandate for stateless persons was based on specific requests from the General Assembly. Broadly speaking, the Office was expected to contribute to the reduction of statelessness and to the amelioration of the situation of stateless people. Despite the growing problem of statelessness and increased efforts by UNHCR, only 57 States were party to the 1954 Convention relating to the Status of Stateless Persons and only 30 to the 1961 Convention on the Reduction of Statelessness. Wider accession therefore remained an important aspiration. UNHCR would shortly be issuing a handbook for parliamentarians aimed at raising awareness of the problem and of how to address situations of protracted statelessness.

82. In conclusion, she said that operationalizing protection was a very practical exercise based on the identification of gaps and needs, on capacity-building and on project delivery. It was a participatory process where beneficiaries must be listened and responded to. It was also a rights-based process and one that depended fundamentally on consensus-building among the primary actors, namely the Governments. UNHCR served as a catalyst and facilitator but not as a substitute for State action.

83. Ms. NIELSEN (Switzerland) said that with the support of UNHCR, Swiss NGOs and the federal authorities a Swiss working group had been set up to ensure implementation of the Agenda for Protection. Its mandate included disseminating the Agenda for Protection, to selecting general and specific objectives that were important in the Swiss context, and submitting proposals for their implementation in the short, medium and long term.

84. Switzerland's integration policy towards refugees and temporary residents had not so far produced the desired results, in particular regarding their participation in the labour market. The Federal Council had recently approved the revision of the ordinance on integration to remedy the situation.

85. Complementary protection was an important tool for ensuring the protection of persons who required it, but was not strictly in line with the criteria for determining refugee status laid down in the 1951 Convention relating to the Status of Refugees. She cautioned against its use to the detriment of that Convention.

86. Larger migration flows brought with them considerable challenges. It was essential to retain the distinction between refugees and migrants in order to safeguard the asylum system and remind States that they had legal obligations towards refugees and other persons in need of

protection. Moreover, forcibly displaced persons should not be treated in the same way as regular migrants. That distinction was helpful in the analysis of the phenomenon of illegal migration and the development of common policies and tools to cope with its effects, in particular trafficking in human beings. The recently published report of the Global Commission on International Migration might prove useful in that connection, and she encouraged UNHCR and members of the Executive Committee to discuss it and consider implementing its recommendations.

87. As for training, Switzerland, in close cooperation with UNHCR and the International Institute of Humanitarian Law in San Remo had supported the organization of courses on refugee legislation. It had also funded a course on migration legislation in cooperation with IOM and the International Institute of Humanitarian Law.

88. Mr. TOFT (Denmark), after noting the many expressions of support for the Convention Plus initiative during the general debate, said Denmark welcomed the High Commissioner's intention to take the initiative to the field. In that connection he drew attention to the project funded by the European Union to pave the way for a comprehensive solution for Somali refugees. During the current session UNHCR had presented a framework document for a comprehensive plan of action. Denmark stood ready to assist UNHCR in finalizing the framework and to take an active part in the international donor conference scheduled for early 2006.

89. He stressed the need for UNHCR guidelines on the granting of refugee status to be clear, precise and regularly updated. Unclear guidelines led to grey zones in which Governments had difficulty operating. The UNHCR guidelines relating to Iraq and Kosovo were examples. In both cases, UNHCR argued that an asylum-seeker did not need international protection but could nevertheless not be returned. In a Danish context, that placed the asylum-seeker in a precarious situation, obliged to remain in asylum centres without a residence permit and the rights it conferred.

The meeting rose at 6 p.m.