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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
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Fifty-seventh session

SUMMARY RECORD OF THE 604th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 4 October 2006, at 3 p.m.

Chairman: Mr. FUJISAKI (Japan)

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

GENERAL DEBATE (agenda item 4) (continued)

1. Ms. MASRI (African Union), reading out a speech by Ms. Joiner, African Union Commissioner for Political Affairs, said that the African Union Commission wished to associate itself with the statement made by the representative of Algeria on behalf of the Group of African States. Describing the refugee situation in Africa, she said that the African Union recognized the pressing need to assume its responsibility for protecting civilians and improving assistance to internally displaced persons (IDPs), refugees and returnees. The African Union Ministerial Conference on Refugees, Returnees and Displaced Persons in Africa, held in June 2006, had concentrated on the need to strengthen the protection of refugees under the Convention governing the Specific Aspects of Refugee Problems in Africa, adopted by the Organization of African Unity (OAU) in 1969, focusing on the need to preserve the civilian nature of camps for refugees and IDPs. The Conference had also reaffirmed the principle of safe and dignified voluntary repatriation and the need to identify measures to ensure its sustainability. The African Union Commission had drawn up a clear road map containing projects and activities. The African Union wished to thank the Office of the United Nations High Commissioner for Refugees (UNHCR) and the other partners for their support and their participation in the Conference and expressed the hope that UNHCR would help to implement the Conference recommendations and declaration. The African Union remained committed to working closely with UNHCR under the Comprehensive Implementation Plan drawn up at Conakry in 2000 and regretted that many joint activities had not been carried out because of a lack of resources. Efforts to find the necessary funding for their implementation must be intensified.
2. Regarding legal protection, she said that the Executive Council of the African Union had decided in July 2004 that specific aspects of refugee problems in Africa that had not been sufficiently covered by the 1969 OAU Convention would be addressed under a non-binding law based on Council resolutions or decisions. The African Union Commission was very involved in developing a comprehensive legal framework for the protection and care of IDPs that would be applicable to specific situations throughout Africa. The African Union hoped that it would be able to work closely with UNHCR to that end.
3. The African Union Commission appealed to all actors in the humanitarian sphere to join in mobilizing the necessary resources for the protection and care of victims of forced displacement, particularly vulnerable groups. Resources were also needed to help countries emerging from conflict situations in Africa, including Angola, Mozambique, Sierra Leone and Liberia. Despite the shortage of resources, those countries were working hard to ensure the return and reintegration of IDPs and the demobilization, disarmament and reintegration of veterans. The African Union Commission welcomed the good relations it enjoyed with the UNHCR Regional Liaison Office in Addis Ababa and remained committed to working with the Liaison Office to find sustainable solutions to forced displacement in Africa.
4. Ms. AL AKL (Lebanon) said that UNHCR had had a difficult year in a changing environment, for while the number of refugees worldwide was decreasing, the number of IDPs was increasing, and there were many protracted migrant, asylum-seeker and refugee situations. Lebanon was in favour of reforming UNHCR to face those challenges; it therefore supported

extending the role of UNHCR to include the protection of IDPs and welcomed the cluster approach, although it believed that the Office's new roles must not prevent it from carrying out its principle mandate of refugee protection.

5. She welcomed the swift intervention by UNHCR in Timor-Leste and Lebanon, which illustrated the new approach. Lebanon thanked UNHCR for having come swiftly to the aid of 1 million Lebanese refugees, 750,000 of whom were internally displaced. UNHCR had provided assistance to Lebanon's main IDP centres in the days following the start of the war and had sent 75 employees to reinforce its team in Beirut. Immediate aid had been given to the IDPs, who had been offered host families and emergency accommodation, and a package of measures had been taken to ensure that any Lebanese national who so wished could return home. Lebanon was very grateful to UNHCR for its intervention; it fully supported the Office and looked forward to developing fruitful cooperation with it.

6. Mr. NGANTCHA (Observer for Cameroon) said that his delegation wished to associate itself with the statement made by the representative of Algeria on behalf of the Group of African States. Migration had become a source of both enrichment and impoverishment. Almost 191 million people lived outside their country, 115 million in developed countries and 75 million in the developing world. Migrants stimulated demand and improved economic performance in host countries while sending large amounts of money to their home countries, which constituted an essential capital contribution. However, migration was also a source of impoverishment, since it led to brain drain. In an international environment characterized by economic difficulties, the benefits that migrants brought to their country of residence were often overshadowed. One solution to the problem of migration was to reduce poverty and unemployment among young people and to consolidate peace and security. The challenges posed by governance, the rule of law, democracy and respect for human rights and fundamental liberties must be addressed in order to create favourable conditions for political and economic stability. That could not be done without the support of the international community or the determination of African States. UNHCR and the International Organization for Migration (IOM) should pursue joint efforts and harmonize them.

7. Cameroon commended UNHCR for the role it played in Africa and encouraged it to continue its restructuring process in order to bring it into phase with current challenges and concerns. Owing to its geographical location and its traditions, Cameroon was at the confluence of several forced or voluntary migration flows and had always been a favoured destination for refugees and asylum-seekers. It was currently facing a massive influx of some 30,000 Bororo herders from the Central African Republic. Those refugees were in a precarious situation, and Cameroon wished to draw the attention of the international community to the resulting humanitarian and health emergency with a view to mobilizing the necessary assistance.

8. Mr. BESSEDIK (Algeria), speaking on a point of order, said that the established tradition of good faith and trust that characterized the work of the Executive Committee had been violated. Copies of the text of the statement that he was about to deliver had been submitted to the Secretariat, which had given a copy to another delegation, allowing that delegation more time than the other members to prepare a statement in exercise of its right of reply. He called for steps to be taken to end such abuse.

9. Delivering his statement, he said that the financial crisis that UNHCR was currently experiencing should give rise to some thought as to the best strategies to be adopted and should lead to a setting of priorities, an evaluation of needs and resources and a broadening of the donor base. The international community must guarantee that the resources needed to ensure that solidarity and generosity prevailed were provided. While the deep-seated causes of expatriation were well known, they had not been sufficiently addressed. Faced with increasing flows of refugees and IDPs, host and transit countries, which were mainly in the South, had less and less room to manoeuvre, given that regional crises usually imposed heavy burdens or could even have a destabilizing effect. Development assistance measures must be supported if the causes of such exoduses and population displacements were to be eradicated and post-conflict situations stabilized. Algeria welcomed the progress made in some regions, but remained concerned at the persistence and complexity of sources of tension in Africa.

10. Three issues were pending and should be dealt with adequately: the granting of refugee status, the increase in direct and indirect contributions from some countries that were not represented among potential donors to UNHCR and the reduction of programme budgets by country and by region, which posed the problem of reaching agreement on burden-sharing with host countries, mainly in the South. Algeria had raised that question after it had been announced that UNHCR had unilaterally decided to reduce its assistance to Saharan refugees as of September 2005. Algeria was taking in tens of thousands of Saharan refugees because progress on the holding of a referendum on self-determination in Western Sahara had come to a standstill. The suffering of a people fated to wander for more than 30 years still had a claim on the conscience of all who were committed to the fundamental human right to self-determination, notwithstanding the settlement plan and the establishment of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

11. Speaking in exercise of the right of reply, he noted that the Saharan question was currently being considered in the Fourth Committee of the General Assembly, which proved that it was a decolonization issue. The Office of the United Nations High Commissioner for Human Rights (OHCHR) had dispatched a mission to Western Sahara and to the Saharan refugee camps in Tindouf, Algeria, in May 2006. He requested that the report of that mission should be made public, since the people concerned were being persecuted in Western Sahara and not in Tindouf. The statement by Morocco described the return of Saharan refugees to Western Sahara as the return of Moroccan nationals to their motherland, whereas the United Nations classified Western Sahara as a Non-Self-Governing Territory. That should prompt caution among Saharan refugees who wanted to return home and not to Morocco. According to a report by Amnesty International, their protection in Morocco was guaranteed only if they pledged allegiance to that country. Refugees' fears were compounded by the fact that the Frente Polisario para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO), which had freed Moroccan prisoners, had not released any Saharan political prisoners.

12. Morocco's humanitarian statements of belief were particularly dubious given that the Moroccan delegation had requested a reduction in UNHCR assistance to Saharan refugees in the Tindouf camps, whereas, according to reports by humanitarian organizations, the majority of pregnant women there were anaemic and young children were suffering from malnutrition. Moreover, there were reports that there might be a shortfall in food supplies intended for Saharan

refugees, which could cause a humanitarian disaster. It was important that UNHCR should reassess the situation in light of the visit in February 2006 by the joint UNHCR-World Food Programme (WFP) delegation.

13. Mr. LOULICHKI (Morocco), speaking on a point of order, said that, according to article 19 of the rules of procedure, before allowing speakers to exercise their right of reply the Chairman of the meeting should declare the debate closed, which had not yet been done formally. The proceedings had thus consisted of a mixture of statements in exercise of the right of reply and substantive statements, which had made it possible for the representative of Algeria to exercise his right of reply for a time longer than that provided for in the rules of procedure.

14. The CHAIRMAN replied that he had announced that the representative of Algeria would be given extra time to speak and that no one had raised a point of order in that connection.

15. Mr. LOULICHKI (Morocco), speaking in exercise of the right of reply, said that the representative of Algeria had spoken about the Moroccan prisoners in Tindouf and their release, but had not mentioned that they had been in captivity on Algerian soil for 30 years and that those who had finally been released had been few in number until 2005 and were in serious physical and mental condition, for which Algeria bore international responsibility. Morocco, meanwhile, had fulfilled its obligations in 1996. As for the volume of humanitarian assistance, Morocco found the state of the remaining population in Tindouf to be deplorable and requested that a census should be carried out to determine the exact number of persons to be repatriated. The persistent and unacceptable refusal by the Algerian authorities to carry out such a census had led UNHCR and WFP to conduct an investigation to ensure that aid was reaching the intended beneficiaries. Morocco had never called for a reduction in humanitarian assistance but was continually requesting a census of the Tindouf population, and it refused to let those population figures be inflated to allow Algeria to misappropriate humanitarian assistance, the sale of which had been confirmed by independent organizations and international organizations.

16. As for the living conditions in the Tindouf camps, he drew attention to the same Amnesty International report mentioned previously by the representative of Algeria, according to which that community was deprived of its right to freedom of movement and its rights to freedom of expression and association were being restricted. Saharan refugees could not leave the camp to seek refuge in other regions of Algeria without the authorization of the Frente POLISARIO, and individuals who did so were arrested by the Algerian army and returned to the Frente POLISARIO. That was the real situation, and Morocco would continue to request a census so long as Algeria refused it.

17. Mr. BESSEDIK (Algeria) declared that no one, neither the United Nations nor the international community, disputed that the question was one of colonization. Moreover, it had taken more than 20 years for Morocco to recognize the presence of Moroccan military prisoners in the Saharan refugee camps. Both non-governmental organizations (NGOs) and United Nations agencies maintained that fundamental rights had been violated during the persecutions mentioned by the representative of Morocco and that torture was being carried out in the occupied Saharan territories.

18. Mr. LOULICHKI (Morocco) said that after the cessation of hostilities in 1991 Morocco had freed all prisoners, including the hundred or so prisoners from the regular Algerian army. Consultation of the various reports by special rapporteurs would show that Morocco had responded to all the requests it had received from them regarding violations of rights, torture and disappearances, which was not the case with Algeria.

19. Mr. BESSEDIK (Algeria) said that, insofar as violations of rights were concerned, those present ought to consult Morocco's periodic reports which had been considered by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

20. The CHAIRMAN informed the representative of Algeria that the incident involving his document was being investigated, and that if the rules had been broken, measures would be taken to ensure that such a violation did not happen again. He invited the Committee to resume the general debate.

21. Mr. PAIVA (International Organization for Migration (IOM)) said that the increasing complexity of population flows meant that UNHCR and IOM needed to find new ways of working together. In a joint letter to all staff, the High Commissioner and the Director General of IOM had explained that they would hold semi-annual meetings to strengthen cooperation and coordination between the two organizations, allowing them to focus on their experiences in different crisis situations, identify good practices and draw lessons for the future. UNHCR and IOM were also among the founding members of what had in 2006 become the Global Migration Group, a body which promoted the adoption of a more coherent, comprehensive and better coordinated approach to the issue of international migration. Such cooperation and coordination were essential to decision-making and to operations on the ground in crisis situations where delay, duplication or competition could not be afforded.

22. Similarly, cooperation between IOM and UNHCR must evolve in the context of the cluster approach implemented within the Inter-Agency Standing Committee. UNHCR had accepted the lead in the Camp Coordination and Camp Management Cluster (CCCCM) for IDPs as the result of conflict. IOM had been entrusted with corresponding situations caused by natural disasters. In order to increase effectiveness and avoid overlap, the two organizations had adopted a unified approach while recognizing the prerogative of each, and had established a joint (virtual) secretariat to implement the approach. At the same time they had created a working group composed of both members and non-members of the Inter-Agency Standing Committee, whose role was to support them and to address practical issues. The cluster approach was largely based on a training plan, the aim of which was to train interested partners in camp management and to create a readily deployable pool of qualified staff at the onset of an emergency; the development of a camp management toolkit; and the organization of "training of trainers" seminars.

23. Mr. BELGASMI (World Food Programme (WFP)) said that in 2005 WFP had provided food assistance to 2.1 million refugees, 8.3 million IDPs and 1.3 million returnees. In 2006 it had strengthened its collaboration with UNHCR in the areas of advocacy, resource mobilization and assistance to IDPs. In the context of advocacy campaigns, he noted that in the first quarter of 2006 the heads of WFP, UNHCR and the United Nations Children's Fund (UNICEF) had undertaken, for the first time ever, a six-day trip together to the Democratic Republic of the Congo, Burundi and Rwanda to highlight the dire needs of the people of the Great Lakes region and to encourage donor pledges to those countries. WFP and UNHCR regularly issued joint

press releases and media statements, particularly about underfunded operations in which food pipeline breaks were expected. UNHCR participated in meetings of the WFP Executive Board to ensure a common voice with member States. At the operational level, the two organizations were working to end child hunger and to improve the nutritional status of refugees.

24. At the first two high-level meetings that had taken place between WFP and UNHCR in 2006 on the situation of IDPs, the two organizations had agreed to consider how to strengthen certain established procedures for refugees and apply them to IDP situations where appropriate. They had defined their respective roles in providing guidance and strategic advice to field teams in the light of the new inter-agency approach to internal displacement.

25. In the context of the many challenges and emergencies to be addressed, one UNHCR operation sought to help an estimated 350,000 southern Sudanese refugees in seven neighbouring countries to return home and some 4 million IDPs return to their villages in southern Sudan. WFP and UNHCR urged donors to continue financing that operation as well as similar operations in Somalia and Kenya, where the situation was comparable. Unless new donations were forthcoming, rations would be cut to 79 per cent of the normal level - which was only 1,700 kilocalories a day - for all but the most vulnerable by December.

26. Ms. ZEIDAN (International Committee of the Red Cross (ICRC)) noted that UNHCR and ICRC had a longstanding tradition of cooperation that respected the humanitarian character of the work of both organizations, which were complementary. UNHCR provided protection and assistance to refugees and asylum-seekers and, more recently, IDPs; ICRC acted within its own sphere of competence - for example, by re-establishing family ties and providing protection and assistance to persons affected by armed conflict and other situations of violence, whether or not they were directly targeted. Every effort must be made to prevent such internal displacement, which was often the result of violations of international humanitarian law. In situations of armed conflict or internal violence, ICRC carried out general management and coordinated the activities of its primary partners in the field, the National Red Cross or Red Crescent Society of the country, in order to meet the needs of IDPs.

27. UNHCR had accepted a lead role in the United Nations inter-agency humanitarian response system in the areas of protection, emergency shelter, camp coordination and management of IDPs during conflict-generated emergencies. In order to preserve its unique character and its capacity to act as a purely independent and neutral intermediary and institution, ICRC had confirmed that it did not intend to join that cluster or any other. However, it appreciated the importance of coordination and dialogue as a means of ensuring efficiency in the field in the best interest of the persons in need.

28. On numerous occasions ICRC had expressed its concern about the increasing tendency within the humanitarian and donor communities to consider the needs of IDPs and those of the resident population separately. By splitting the beneficiaries of assistance into different categories there was a risk that certain groups of affected persons, such as the resident population which hosted large numbers of IDPs despite its own challenging economic situation, might be neglected. ICRC programmes were designed to promote the self-reliance of affected communities and to ensure that the coping mechanisms used by IDPs were preserved as much as possible, in order to avoid increasing the disparities between various segments of the population or to facilitate their return home if circumstances permitted.

29. Ms. LACKENBAUER (International Federation of Red Cross and Red Crescent Societies) welcomed the creation of the post of Assistant High Commissioner for Protection at a time when the world was searching for new solutions to the challenge posed by the migration-asylum nexus, which was the theme of the next International Conference of the Red Cross and Red Crescent, to be held in November 2007 in Geneva. That issue was the cause of humanitarian crises and was especially visible in the Mediterranean region and West Africa. National societies in those regions had developed a comprehensive assistance programme for migrants and asylum-seekers both in countries of destination and in transit.

30. The nature of the challenge had changed over time, and the persons involved, who were currently emigrating in extremely harsh conditions, without documents or support, were extremely vulnerable and often survived because of assistance from Red Cross and Red Crescent Societies. Those societies had no international mandate to provide the necessary protection, and their task became even more difficult when Governments marginalized migrants and asylum-seekers, depriving them of their human rights, detaining them and expelling them regardless of the fact that many had a well-founded fear of persecution. It was vital that the Executive Committee should reaffirm its commitment to the basic right to seek asylum and to the principle of non-refoulement. All Governments should do the same, fulfilling their obligation to admit refugees and asylum-seekers and prohibiting the return of those individuals to countries where they risked persecution. She also encouraged States to implement fully the provisions of the 1951 Convention and its 1967 Protocol, to strengthen asylum processing through the adoption of national refugee legislation that included the required asylum procedures and standards of protection, and to provide adequate training for border guards and immigration officials to ensure that they respected the rights and cultures of refugees and asylum-seekers.

31. She denounced the use of detention as a tool for migration management in some countries: as well as hindering implementation of a humane asylum policy, detention had serious implications for fundamental rights, particularly in the case of children and trafficked person, whose best interests were often sacrificed. As a general principle, Governments should allow independent agencies and organizations to visit detained refugees, asylum-seekers and irregular migrants. Many suffered from psychological problems as a result of their detention, particularly unaccompanied elderly persons, pregnant women, victims of torture or trauma and persons with a mental or physical disability. The restoration of family links for detainees was another important issue that was addressed by the Red Cross and Red Crescent Societies.

32. Mr. BATCHELOR (United Nations Development Programme (UNDP)) said that as a development agency UNDP felt compelled to advocate sustainability of return, whether for refugees or for IDPs, that was not merely about the construction of decent housing, clinics and schools, but also about security, access to justice and making a living. The solution lay in the cluster approach. In its role as lead agency for early recovery operations, UNDP sought to infuse the work of all humanitarian agencies with a longer-term human security perspective, incorporating conflict-prevention, strengthening the capacity of key Government partners, broadening the definition of security, developing more far-reaching livelihood activities and implementing early recovery strategies to redress gender inequalities exacerbated by conflicts and disasters.

33. In Uganda, for example, UNDP was working with the Government on a demobilization, disarmament and reintegration programme, ensuring that the reintegration of former combatants

was linked to that of IDPs and to the recovery of communities. It was also cooperating with the Government, OHCHR and the United Nations Development Fund for Women (UNIFEM) to address sexual and gender-based violence and to promote access to justice through local council courts. It was also developing a capacity-strengthening programme to help county and sub-county officials lead the recovery process in the northern part of the country. At the headquarters level, the activities of UNDP and early-recovery cluster members included developing a tool for assessing local needs focusing on livelihood and household security, building a roster of early-recovery experts and implementing monitoring mechanisms to assess whether actions carried out were laying the groundwork for longer-term development.

34. In order to strengthen and better institutionalize their partnership, UNHCR and UNDP had begun collaboration on six countries in Africa in early 2006. Possible action included the establishment of common administrative structures such as joint offices (as was currently being done in Uganda, Burundi and Liberia) and the development of common programmes or joint activities to strengthen the capacities of local authorities. Headquarters and field staff of both organizations were scheduled to hold a workshop in December.

35. Ms. VERZUU (United Nations Volunteers Programme (UNV)), highlighting two of the key challenges outlined by the High Commissioner for Refugees in his opening remarks, wished all those involved in meeting those challenges - the High Commissioner's senior management team and all UNHCR staff - success in that ambitious undertaking. The High Commissioner had rightly stressed the importance of a "collective response" by the United Nations system and the broader humanitarian community in achieving those objectives, particularly in areas where UNHCR assumed a lead role: protection, the provision of shelter and camp management. UNV was pleased to be part of that collective response, particularly on the ground where it was needed most: slightly more than 13 per cent of UNHCR field staff were United Nations Volunteers.

36. Cooperation between UNV and UNHCR on the ground had three overall objectives: enabling disadvantaged communities to gain wider access to basic services and to enhance delivery of those services; promoting the participation of all stakeholders, including disadvantaged persons, in decisions that concerned them; and promoting community mobilization through voluntary action. UNV was complementing the work of UNHCR in hundreds of camps around the world. For example, in the aftermath of the devastating earthquake in Pakistan in 2005, the Government had requested the Programme's assistance in establishing a national volunteer movement to support the activities of the Government and humanitarian organizations. UNV wished to assure UNHCR of its continued commitment to the work of the Office and to growing cooperation between the two organizations.

37. Ms. KPAKA (Asian Women's Human Rights Council), delivering the common NGO statement, welcomed the commitment of UNHCR to partnership with NGOs in the form of a dialogue of equals. NGOs were following the UNHCR reform process with interest but would have liked to have been consulted in the matter. NGOs were concerned at the erosion of the institution of asylum and at the refusal by many States, such as the Libyan Arab Jamahiriya, China, Cambodia and Thailand, to allow UNHCR and NGOs access to areas where there might be refugees and asylum-seekers. Many cases of refoulement had been recorded, particularly from

North Africa and from transit countries in Southern and Eastern Europe. NGOs supported UNHCR efforts to prevent the refoulement of Uzbek refugees and asylum-seekers from Kyrgyzstan, Ukraine and Kazakhstan. Bilateral extradition agreements could not supersede States' international legal obligations.

38. More and more countries were following the example of the United States of America and closing their doors to refugees and asylum-seekers in the name of security. The idea that refugees were terrorists must be denounced and xenophobia against asylum-seekers and refugees combated. NGOs urged UNHCR to make refugee-status determination procedures fairer and increase the independence of its appeal procedures.

39. The expanded role of UNHCR to cover IDPs must not undermine the Office's core mandate or serve as an excuse for Governments to deny refugees the right to seek asylum and enjoy access to effective international protection. UNHCR should develop clearer criteria for its involvement with IDPs. As had been seen in Darfur, Iraq, Chechnya, Lebanon, Sri Lanka and Somalia, there were limits to the ability of UNHCR to protect IDPs adequately. In Darfur, the displaced population was increasingly dependent on international aid, whereas donors had cut their contributions in 2006 to 40 per cent of 2005 levels. Without the support of States, UNHCR could not effectively protect IDPs. In Lebanon, major constraints had been placed on the delivery of humanitarian assistance. In Iraq, humanitarian organizations did not have access to the civilian population in many regions and were unable to assess their needs independently. In Sri Lanka, the number of security incidents was constantly increasing, particularly those involving civilians. The cluster approach provided new opportunities for intervention on behalf of displaced populations. NGOs called upon the international community to explore ways of solving the protection problems of Palestinian IDPs. UNHCR should conclude cooperative agreements on stateless persons with other United Nations agencies and improve mechanisms for identifying stateless persons and responding to their immediate needs. The High Commissioner should undertake a field visit to assess the situation of stateless persons first-hand.

40. When responding to irregular migration, States and intergovernmental agencies often failed to identify those in need of international protection. NGOs were particularly concerned by measures taken by States members of the European Union to prevent the arrival of asylum-seekers and immigrants from North Africa. States must not enter into partnerships, such as joint border patrols, with countries that were unable or unwilling to provide effective protection for refugees and asylum-seekers. NGOs welcomed the UNHCR 10-Point Plan of Action which should help to safeguard the rights of refugees and migrants. NGOs called on the Executive Committee not only to approve the UNHCR budget but also to provide the necessary resources for its implementation.

41. Mr. KINIGER-PASSIGLI (International Labour Organization (ILO)) said that IDPs in post-conflict situations were usually left unemployed and without livelihood, particularly youth and the most vulnerable. In 2004, ILO and UNHCR had launched a joint programme for the socio-economic integration of refugees, returnees and IDPs. The programme had provided opportunities for inter-agency cooperation in the transition from humanitarian assistance to development. In two and a half years, ILO and UNHCR had conducted joint operations in 20 countries, facilitating the search for durable solutions and promoting sustainable

livelihoods, and had helped to train and improve the skills of refugees and IDPs in many countries. Employment and small enterprises had been created, and local economic development projects had been implemented. Women and youth had been empowered to become more self-sufficient. ILO wished to thank the donor and recipient countries that supported the joint ILO-UNHCR programme but regretted that important projects could not be implemented owing to funding shortfalls.

42. The CHAIRMAN invited the High Commissioner to react to those statements.

43. Mr. GUTERRES (High Commissioner for Refugees) paid a tribute to the African Union for its human rights activities in Africa. In many ways, the OAU Convention, governing the specific Aspects of refugee Problems in Africa required more of States parties than the 1951 Convention relating to the Status of Refugees. UNHCR had followed the work of the Ouagadougou Ministerial Conference on IDPs with interest and intended to strengthen its cooperation with the African Union. He thanked the representative of Lebanon for having acknowledged the work carried out by UNHCR in his country, even though it was hoped that the Office could do even more to ease the suffering of the Lebanese population.

44. In response to the observations of the representative of Cameroon on the issue of “forgotten crises”, he acknowledged that the importance of a humanitarian crisis was unfortunately often linked to the presence of television channels in the field. He wished to point out to the representative of Algeria that the dramatic situation of Saharan refugees was a complex problem whose solution was solely political. In any event, UNHCR was committed to working objectively and transparently to preserve the humanitarian nature of its activities, meaning that, for example, assistance provided was determined on the basis of the exact number of persons in danger. He reaffirmed his intention to work on an equal footing with intergovernmental and non-governmental organizations, while respecting the specific nature of their mandates. He expressed the hope that each of the issues raised by the delegations would be the subject of more thorough dialogue and thanked all those who had participated in the general debate.

45. Ms. GONZÁLEZ ARIZA (Colombia), speaking in exercise of the right of reply, said that she wished to make a few clarifications following the distribution in the meeting room of a critical report by Amnesty International. By adopting the Justice and Peace Act the Colombian Government had shown its willingness to bring all perpetrators of crimes against civilians to justice and to compensate victims. Colombia respected the norms and principles of international humanitarian law and was committed to protecting the population against illegal armed groups, including by ensuring that public order was strictly maintained throughout the country.

46. Ms. SAUERBREY (United States of America), speaking in exercise of the right of reply, said that she was particularly proud of the resettlement programme in her country, which had accommodated 60 per cent of refugees sent by UNHCR in 2005. Even though there were sometimes problems at borders when refugees arrived, the United States was intent on maintaining the balance between its justifiable security concerns following the attacks of 11 September 2001 and its compassion towards those who were most vulnerable.

47. Mr. ALIEU (Sudan), speaking in exercise of the right of reply, said that some countries used population displacements and humanitarian crises as political weapons. The Sudan had faced significant population movements and a massive influx of refugees. Some of them had created chaos and engaged in looting, which had forced the authorities to intervene to restore public order. The Sudan could not be held solely responsible for the situation of refugees in its territory. Insurgents played a major role in the instability and internal displacement of the population.

48. The CHAIRMAN, summing up the general debate, noted that many countries had welcomed the High Commissioner's six priority areas, including his commitment to strengthening the identity of UNHCR as a protection agency, and had renewed their support for the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. There was general support for efforts to address the problem of statelessness. Delegations had noted that the number of refugees was decreasing while the number of IDPs was increasing. While recognizing that the primary responsibility for IDPs lay with Governments, several delegations had called upon the international community to respond on humanitarian grounds. Many delegations had welcomed the Office's enhanced role in protecting IDPs through the cluster approach, although some had recalled that refugees should remain the core mandate of UNHCR.

49. Many delegations had called for the protection of refugees and the institution of asylum in mixed or irregular migration flows. Several delegations had encouraged UNHCR to follow up on the High-Level Dialogue on International Migration and Development and to play an active role in the Global Migration Group. They had also expressed support for the 10-Point Plan of Action adopted at Rabat earlier in the year, and many of them had welcomed the High Commissioner's emphasis on the voluntary and sustainable nature of returns and on resettlement. The major issues raised by delegations had included burden-sharing, protracted refugee situations, the link between relief and development, support for the return of refugees after conflicts had ended and the value of regional approaches to the search for durable solutions. Many delegations had welcomed the attention paid to the issue of women and girls at risk.

50. Appreciation for the generosity of donors had been expressed. However, delegations had voiced concern over the lack of resources available to UNHCR to fund programmes and had advocated the broadening of the funding base and greater private-sector involvement. They had invited UNHCR to continue seeking support from the Central Emergency Response Fund. Some countries had announced that they would increase their contributions. The High Commissioner had recognized that UNHCR must become more flexible, effective and results-oriented in the face of the new challenges. Delegations had welcomed the reform process but had called for closer consultation on the matter. They had noted that UNHCR should use results-based management more systematically.

51. The High Commissioner had stressed that while each humanitarian crisis had specific aspects, protection and security requirements were the same for every affected civilian population and that humanitarian considerations should prevail. Many countries had commented on the programmes that they had been carrying out on behalf of refugees, often in cooperation with UNHCR, NGOs and other partners. That cooperation should be strengthened as UNHCR sought to assist people in need of protection in an increasingly complex international environment.

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

- (a) INTERNATIONAL PROTECTION (A/AC.96/1022, 1023, and Add.1, 1024, 1025 and Add.1, 1027 and 1032-1034)

52. The CHAIRMAN invited the Assistant High Commissioner for Protection to introduce the Note on International Protection.

53. Ms. FELLER (Assistant High Commissioner for Protection) said that UNHCR was an uncontested authority when it came to international protection. Its activities were not limited to ensuring the application of the 1951 Convention relating to the Status of Refugees. The Office's mission was to protect refugees, regardless of a State's treaty obligations, and its function and competence - including refugee status determination - were determined by the particular circumstances of the persons in need of international protection.

54. The Note on International Protection was an annual account of the state of international protection of persons of concern to UNHCR. The current year's Note was complemented by a useful document entitled "Measuring protection by numbers", which provided indicators for measuring protection gaps and solutions. For example, it recorded that in 2005 half of the UNHCR country offices worldwide had reported cases of refoulement, and that the forcible recruitment of children was taking place in 6 per cent of camps. Improvements had also been recorded, such as the fact that UNHCR had succeeded in providing assistance to all victims of sexual and gender-based violence in 75 per cent of all camps in which such problems had been identified. However, the number of women at risk remained very high: no fewer than 3,338 women had been resettled with the assistance of UNHCR. Other statistics relating to refugees' access to basic services were equally disturbing: for example, 30 per cent of refugee children were not regularly attending school, and many refugees were unable to exercise their right to freedom of movement or their right to work.

55. Protection of rights was the responsibility of States in the first instance, but in certain cases UNHCR was called upon to assume that role. It had directly received more than 90,000 asylum applications in 2005, which meant that it had carried out refugee status determination, under its mandate, for around 14 per cent of asylum claims worldwide. Most operations had been carried out in 25 countries that had not signed the 1951 Convention, but more than 30 States parties had also turned to UNHCR. While numbers revealed the state of refugee protection worldwide, the qualitative aspect was also very important. The aim for 2006 was to implement the Agenda for Protection, adopted by the Executive Committee in 2002, from the standpoint of the notion of "responsibility to protect", a notion that had thus far been involved only in relation to extreme situations such as genocide but was starting to gain currency. The responsibility to protect lay primarily with States, but States must have the capacity to do so. The international community must therefore ensure that such capacity existed. That concept was at the heart of the principles of international solidarity and burden-sharing.

56. UNHCR was aware that extra vigilance was called for, given the growth in trafficking in persons and terrorism, and that problems stemming from the mixed character of people movements must be taken into account. The 10-Point Plan of Action was one effort to do so, as was the Strengthening Protection Capacity Project, which, having proved successful in Africa,

was currently being rolled out in countries such as Thailand, Armenia and Georgia. There were also serious gaps in the protection of other categories of persons of concern. Much remained to be done to ensure that returns were safe, viable and durable. The plight of stateless persons was a “forgotten problem” at the international level. Yet, a UNHCR survey of 74 countries had revealed that over half had encountered problems of statelessness. There were still too few States parties (currently 60) to the 1954 Convention relating to the Status of Stateless Persons, and the mandate of UNHCR in that field, albeit of long standing, was still treated with scepticism by some. It was to be hoped that the notion of the “responsibility to protect” would encourage States to take steps to reduce statelessness and improve the circumstances of those who had no national rights.

57. The protection of IDPs had been improved through a series of important measures, and the Guiding Principles on Internal Displacement were being used more and more. Many efforts were under way to improve coordination through the cluster approach, but there was still a way to go to bridge theory and practice on the ground. Expertise must be commensurate with commitments made on paper, which must be matched with adequate resources. States’ concerns about sovereignty remained an obstacle, and the content and reach of protection programmes were not always as clear as they should be for agencies or for Governments. The responsibility to protect implied that all actors - affected countries, donors and partners - should make efforts to bring sovereignty, political will, mandates and resources into alignment to provide better protection for IDPs.

58. The High Commissioner had announced that UNHCR would be reviewing certain key issues on which it must adjust its thinking or approach, and the Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum were to be tested in the field. The Executive Committee would be informed of the results in due course. UNHCR was also re-examining its approach to voluntary repatriation and making efforts to professionalize resettlement activities. It aimed to increase the number of resettlements, which had stood at a little over 38,000 in 2005. The Office was also reassessing its approach to cessation of refugee status, but discussion of that subject with the Committee would be necessary, particularly with regard to situations and applicable criteria. Clear criteria were also necessary to determine when assistance and protection activities should be phased out, in the case of both refugees and IDPs.

59. The creation of the post of Assistant High Commissioner for Protection and the restructuring of the Division of International Protection and the Division of Operational Support had given new impetus to protection in UNHCR. All issues affecting protection were regularly addressed during consultations with the directors of field offices. A Field Reference Group had been created to help ensure that, for example, policies followed at headquarters corresponded to the realities of protection observed in the field.

60. Recently, UNHCR had provisionally issued a handbook on the protection of women and girls, which would be complemented by the draft conclusion on women and girls at risk. The document proposed a more operational, field-friendly approach. However, it would be a setback for protection if the Committee should drop the General Conclusion on International Protection permanently, since it was virtually the only tool that the Committee had available for expressing its opinions and concerns on the subject. At the Standing Committee meeting in March 2007, UNHCR would give an oral update on the implementation of the Agenda for Protection, not only by its own services but also by States and NGO partners, assuming that it had received the

necessary information before the meeting. UNHCR hoped to be able to present a comprehensive report on the implementation of the Agenda five years after its adoption at the 2007 session of the Executive Committee.

61. The CHAIRMAN invited delegations to react to the statement by the Assistant High Commissioner for Protection.

62. Mr. THIRD (New Zealand) said that his delegation welcomed the reduction in the number of refugees in the world but wished to caution against complacency. Many protracted refugee situations still required urgent solutions, including those of refugees from Afghanistan and Myanmar in India, Thailand and Malaysia. With regard to the right to asylum, he said that a balance must be struck between preserving national sovereignty and providing international protection. New Zealand's advanced passenger screening procedure at points of departure, which had been introduced recently and which had caused concern with some human rights advocacy groups, had proved satisfactory. To date, no passenger had requested refugee status after being refused permission to board; such passengers would be duly referred to UNHCR.

63. New Zealand continued to implement the Agenda for Protection and invited delegations to consult its report on the subject. In an effort to avoid arbitrary deportations, it had produced a manual to help staff comply with international obligations. It had improved its action plan for managing mixed migration movements, which fully met the standards defined by the UNHCR 10-Point Action Plan. New procedures had been introduced for dealing with unaccompanied minors. New Zealand had also acceded to the 1961 Convention on the Reduction of Statelessness.

64. Mr. TOFT (Denmark) urged UNHCR to intensify efforts to find durable solutions, particularly for such protracted refugee situations as those in Bhutan and Nepal. The return of refugees must be made sustainable, through implementation of the "4Rs" approach (return, reintegration, rehabilitation and reconstruction). The strategic use of resettlement was a particularly effective solution. His delegation supported the draft conclusion on women and girls at risk and urged UNHCR to implement it through operational activities in the field.

65. His delegation suggested that information collected by UNHCR during registration of refugees should be used to create a common database allowing all countries to identify persons who did not have the right to international protection, such as war criminals. Denmark welcomed the fact that UNHCR had changed its position on the return of rejected asylum-seekers to Kosovo but noted that there was still a ban on the return of Roma, and encouraged UNHCR to be more flexible. The return of rejected asylum-seekers after a full and fair procedure, taking into account humanitarian considerations, was crucial to the integrity of the asylum system.

The meeting rose at 5.55 p.m.