

Chapter XII

Refugees and displaced persons

In 2002, the total number of persons of concern to the Office of the United Nations High Commissioner for Refugees (UNHCR) stood at 20.8 million, an increase over the 2001 figure of 19.8 million. Of that number, some 11.5 million were refugees, 4.4 million were internally displaced persons, 3.5 million returned to their places of origin, 927,684 were asylum-seekers and the remaining 445,970 included forced migrants and stateless persons.

During the year, UNHCR achieved successes in some areas but was thwarted by obstacles in others. On the positive side, the return home of some 2 million Afghans was the largest repatriation of refugees in over three decades. Other significant developments were new peace agreements in Angola (see p. 218), Sierra Leone (see p. 148) and Sri Lanka, where a ceasefire brought an end to 20 years of hostilities and resulted in the spontaneous return of about 260,000 internally displaced persons. The independence of Timor-Leste (see p. 315) encouraged the successful repatriation of 31,000 individuals. On the negative side, millions lingered in protracted refugee situations in southwest Algeria, Nepal and the United Republic of Tanzania, with no clear prospects of durable solutions. In Liberia, the ongoing conflict (see p. 165) led to thousands having to flee for their lives. Côte d'Ivoire was plunged into political conflict, resulting in disastrous repercussions for 35,000 nationals who fled into neighbouring countries, and for over 40,000 (mainly Liberian) refugees who had to be repatriated from the country. Similarly, in Burundi, the Sudan and the Democratic Republic of the Congo, refugees were on the move to escape conflict and general insecurity. In the Americas, hostilities continued with increased intensity in Colombia, causing thousands of civilians to cross borders in search of protection.

The Global Consultations on International Protection, launched in 2000, concluded in 2002 with the adoption of the Agenda for Protection, a multi-year programme of action for States, UNHCR, non-governmental organizations and other partners to improve the protection of refugees and asylum-seekers. In continuing efforts to enhance its work in the field of protection and durable solutions, UNHCR established a new Code of Conduct to guide staff in dealing with difficult ethical and moral issues, and a new pro-

tection information unit. It also launched its Strategic Plan 2002-2004, drafted in 2001, to strengthen HIV/AIDS prevention and care in refugee situations. In December, the General Assembly extended UNHCR's mandate for a further period of five years, effective 1 January 2004.

Office of the United Nations High Commissioner for Refugees

Programme policy

Executive Committee action. At its fifty-third session (Geneva, 30 September–4 October) [A/57/12/Add.1], the Executive Committee of the UNHCR Programme endorsed the Agenda for Protection adopted at the conclusion of the Global Consultations process (see p. 1205), which recommended actions to reinforce the international protection of refugees. The Committee also adopted conclusions on reception of asylum-seekers in the context of individual asylum systems and on the civilian and humanitarian character of asylum. Decisions were adopted on contributions of host countries, funding mechanisms and administrative, financial and programme matters.

In his opening statement to the Committee, the High Commissioner noted that the decrease in the number of people of concern in 2001 [YUN 2001, p. 1114], a trend that had continued in 2002, indicated that durable solutions to the refugee problem were being found. While citing positive developments in Afghanistan, Angola, the Balkans, the Democratic Republic of the Congo (DRC), East Timor (Timor-Leste), Eritrea, Sierra Leone and Sri Lanka, he also noted ongoing challenges, including armed attacks against refugee settlements in Uganda, the forcible return of Congolese refugees in Rwanda and Liberia's relapse into turmoil, which further increased by 70,000 the already huge number of displaced Liberians and exposed refugees and humanitarian workers to hostility from armed groups. There were additional challenges in Colombia, which had 2 million internally displaced persons (IDPs) and an increasing number of asylum-seekers in neighbouring countries. Of particular concern

was the hostile treatment of asylum-seekers worldwide, including increasing detention. The High Commissioner noted that a series of remedial and preventive actions had been taken to better protect refugee women and children in West Africa against the threat of sexual exploitation and abuse. UNHCR had also contributed to the development of an action plan adopted in September by the Inter-Agency Standing Committee (IASC) Reference Group on HIV/AIDS in Emergency Settings (see p. 1220).

Addressing internal management issues, the High Commissioner announced the intended review of the structure and priorities of the UNHCR Inspector-General's Office, possibly to include assessments of some regional and subregional refugee situations in terms of protection and solutions and of how UNHCR might better benefit from the expertise and capacity of others. Also, the Division of Resource Management had been divided into the Division of Financial and Supply Management, charged to focus on managing financial resources, and the Division of Human Resources Management, tasked to focus on personnel management. Other initiatives were the establishment of: a new UNHCR Code of Conduct, intended to guide staff in their work; a new protection information section within the Department of International Protection; a project-profile team in the Division of Operational Support to consider ways to improve and modernize UNHCR registration systems; and a task force to review UNHCR partnerships.

The High Commissioner stated that, in addition to a \$23 million shortfall in funds needed to meet the \$271 million target for the supplementary programme in Afghanistan, pledges to raise the bulk of the \$80 million for UNHCR's annual programme budget were still needed. To address the funding shortfall, staff administrative costs, procurement and operational expenditure had been reduced, which did not bode well for refugees, considering that the 2002 budget had already been slashed by \$86 million due to a difficult financial situation. For future large-scale emergencies, the lack of flexibility in the current financial system was of continuing concern.

As to the implementation of the Agenda for Protection (see p. 1205), which the High Commissioner described as one of the most important outcomes of the Global Consultations process and a synthesis of UNHCR's protection mandate, he noted that although it was not a legally binding instrument, it represented a broad consensus on issues where action was needed. While emphasizing the continuing relevance of the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520], he proposed that it be supplemented

in areas not adequately covered with a new initiative designated "Convention Plus". The initiative emphasized, among other things, special agreements for improved burden-sharing in seeking durable solutions to the global refugee problem and multilateral commitment to resettlement. In that context, the High Commissioner intended to establish a forum of experts to provide a framework for the multilateral development of special agreements, which would report annually to both the Standing Committee and the Executive Committee.

Regarding the "UNHCR 2004" process launched in 2001 [YUN 2001, p. 1107] to strengthen the Office and better position it to carry out its mandate, the High Commissioner clarified his vision for nurturing UNHCR into a truly multilateral organization, and for addressing related issues, including the position of the Office within the UN system, its work with IDPs and its financial base.

By **decision 2002/289** of 25 July, the Economic and Social Council took note of the High Commissioner's report covering the period from 1 January 2001 to 31 March 2002 [E/2002/14 & Corr.1].

Coordination of emergency humanitarian assistance

In 2002 [A/58/12], UNHCR continued efforts to strengthen its partnerships within the UN system and with other agencies and non-governmental organizations (NGOs), particularly within the framework of the IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises. The Office participated actively in follow-up activities to the IASC Plan of Action addressing HIV/AIDS in emergency settings (see p. 1220) and undertook a variety of other humanitarian, political and developmental activities with its diverse partners, including the Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Development Programme, the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the International Labour Organization (ILO) and the World Bank. UNHCR maintained its involvement in the resident coordinator system in the field through increased collaboration within the UN country team framework, and at headquarters through participation in the Inter-Agency Advisory Panel on the selection of resident coordinators.

Following a May workshop that it had organized on protection and solutions in situations of internal displacement: learning from UNHCR's operational experience, which adopted conclusions and recommendations regarding durable solutions to internal displacement, UNHCR made efforts to

further enhance its role in the UN system response to IDP situations. In that context, it worked closely with OCHA's IDP unit, which reviewed UN activities regarding IDPs in order to improve coordination of protection and assistance to an estimated 25 million people affected worldwide.

In other developments, UNHCR signed a revised Memorandum of Understanding (MOU) with WFP in July, aimed at enhancing food security for refugees and other persons of concern. A November Letter of Understanding signed with UNICEF formalized collaboration on issues regarding child protection, education, health and water/sanitation in areas of high return or IDP presence. A 1996 MOU with UNICEF [YUN 1996, p. 1100] was reviewed to strengthen collaboration in education and health, assisting unaccompanied separated children, mine-risk education, psychosocial support, HIV/AIDS, nutrition and sanitation. Cooperation with ILO was enhanced in the areas of employment and social protection, which were relevant in situations of displacement in Afghanistan, Colombia, Somalia and Sri Lanka. As to cooperation with the International Organization for Migration, the Action Group on Asylum and Migration, established by both organizations in 2001 [YUN 2001, p. 1108], continued its meetings, reviewed substantive policy issues on the management of migration and asylum concerns, and enhanced mutual cooperation. To ensure that minimum standards of protection and assistance were met and that resources were used effectively for refugees globally, UNHCR strengthened cooperation and partnerships with NGOs, which played a key operational role in its work. During the year, the Office channelled \$330 million (over one third of its annual budget) through 700 governmental, intergovernmental and NGO implementing partners, of which NGOs represented the largest single group, with 553 of them funded through project agreements totalling \$224 million. Following allegations of involvement of humanitarian field workers in sexual abuse and exploitation, UNHCR and NGOs worked together to re-examine their approaches and undertook preventive and remedial activities. They further collaborated on a number of other issues of mutual interest, with NGOs playing an active role in UNHCR's governance through their interventions on issues before the Executive Committee and in the framework of the Global Consultations on International Protection.

Evaluation activities

UNHCR, in an August report [A/AC.96/966], described the role of evaluation in the Office, underlined its commitment in that regard, provided a procedural and managerial framework for related activities and defined the role, respon-

sibilities and working methods of the UNHCR Evaluation and Policy Analysis Unit (EPAU). A new evaluation policy, based on an independent review of EPAU's work and intended to take effect from 1 January 2003, aimed to enhance UNHCR's capacity for organizational learning, performance review and public accountability, and would increase its level of evaluation activity in a phased and principled manner. EPAU would focus future attention on developing the tools and training activities required to implement the policy effectively, and on developing a work programme for 2003 linked to the strategic priorities of UNHCR and its partners.

Evaluation projects completed in 2002 were related to refugee children and women and the community services function. Owing to the overlapping nature of those subjects, an integrated approach was adopted to the findings and recommendations of the evaluations, which covered a wide range of policy issues. Implementation of the recommendations was addressed in the context of action being taken by UNHCR and its partners to decrease the risk of abuse and sexual exploitation of refugees. Other evaluation projects initiated during the year addressed reproductive health services for refugees, the capacity to monitor the protection, rights and well-being of refugees, refugee livelihood, durable solutions to refugee situations, the needs of IDPs and UNHCR's emergency preparedness to respond to refugee crises.

Inspections

In 2002 [A/58/12], inspections of UNHCR operations by its Inspector General's Office (IGO) were conducted in Bangladesh, the Congo, the DRC, Ghana, Jordan, Lebanon, Myanmar, Nepal, the Russian Federation and the Syrian Arab Republic. The inspections provided UNHCR with an independent and objective review of performance, highlighted key issues and problem areas, and identified best practices that might be replicated elsewhere. Inspected offices were required to report during the year on remedial action taken on the basis of IGO's recommendations. To help monitor compliance, IGO began work on an enhanced database of inspection recommendations. In 2002, IGO received 133 complaints alleging misuse of assets, abuse of authority, sexual exploitation of refugees and other improper conduct. In 50 per cent of those cases, it recommended disciplinary measures, while in 35 per cent of the cases, it observed that the allegations were unfounded.

During the year, UNHCR's Audit Service audited operations in 35 countries in Africa, Asia, Europe and the Americas, with a resident audit

team established in Islamabad, Pakistan, to ensure continuous audit coverage of its activities in Afghanistan. The UN Office of Internal Oversight Services (OIOS) introduced a measurement system to rate the effective application of key internal controls, which facilitated benchmarking among UNHCR's country operations and identified those that were properly administered or where corrective action was required. Of operations audited in 2002, 62 per cent met average standards, 16 per cent were above average, and 22 per cent were below average, particularly regarding programme monitoring strategies. As to programmes administered at Headquarters, the audit review found that, although the procurement function was well run and generally complied with standard policies and procedures, the absence of criteria on all aspects of the procurement cycle continued to make it difficult to assess the overall achievement of objectives.

OIOS report. In response to General Assembly resolutions 48/218 B [YUN 1994, p. 1362] and 54/244 [YUN 1999, p. 1274], the Secretary-General transmitted, by an October note [A/57/465], an OIOS report on its investigation of allegations of sexual exploitation of female refugees by UN and NGO staff and peacekeepers in West Africa (Guinea, Liberia, Sierra Leone).

An OIOS investigation team, which assessed the scope of the problem and searched for evidence, concluded that none of the cases reported could be verified. However, the team had gathered other information identifying new cases of sexual exploitation. Forty-three such cases were investigated, of which 10 were substantiated by evidence. The report provided information regarding factors that contributed to sexual exploitation in refugee communities, noting that conditions in the three countries in question made refugees vulnerable to such exploitation and other forms of abuse, particularly if they were female and young. It outlined 17 recommendations, some of which addressed follow-up action by organizations provided with evidence that one or more of their employees was implicated.

Annexed to the OIOS report was a June report of the IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, established in March, which contained a draft Plan of Action with sections on prevention, response and management, and implementation issues. The Plan of Action covered protection from sexual exploitation and abuse during humanitarian crises by seeking to prevent exploitative and abusive behaviour and addressing the conditions that made women and children vulnerable. Also annexed to the OIOS report was a

summary of actions taken by UNHCR to prevent sexual exploitation by humanitarian workers.

In **resolution 57/287 A** of 20 December (see p. 1360), the General Assembly took note of a 2001 OIOS report [YUN 2001, p. 1109] on the investigation of allegations of refugee smuggling at the UNHCR Office in Nairobi.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/57/551], adopted **resolution 57/187** without vote [agenda item 104].

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-third session and the conclusions and decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

Expressing its appreciation for the leadership shown by the High Commissioner, and commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-third session;

2. *Welcomes* the important work undertaken by the Office of the High Commissioner and its Executive Committee in the course of the year and notes in this context the conclusion on the civilian and humanitarian character of asylum, the conclusion on reception of asylum-seekers in the context of individual asylum systems and the progress achieved with respect to recognizing the important contribution of host developing countries; welcomes also the importance attached to cooperation with the New Partnership for Africa's Development; welcomes further the active engagement of the Office of the High Commissioner in the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises and the drafting of a policy on sexual exploitation, and encourages the Office of the High Commissioner to continue combating such practices; and welcomes the renewed efforts made by the Office of the High Commissioner to promote durable solutions for refugees;

3. *Notes* that the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto have continuously served as the cornerstone of the international refugee protection regime, and welcomes in this context the Declaration adopted at the Ministerial Meeting of

States Parties to the Convention and/or its Protocol, held at Geneva on 12 and 13 December 2001, to commemorate the fiftieth anniversary of the Convention, as an expression of their collective commitment to full and effective implementation of the Convention and the Protocol and to the values they embody;

4. *Reaffirms* that the 1951 Convention and the 1967 Protocol thereto remain the foundation of the international refugee regime and recognizes the importance of their full application by States parties, notes with satisfaction that one hundred and forty-four States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines in particular the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

5. *Notes* that fifty-four States are now parties to the 1954 Convention relating to the Status of Stateless Persons and that twenty-six States are parties to the 1961 Convention on the Reduction of Statelessness, and encourages the High Commissioner to continue his activities on behalf of stateless persons;

6. *Welcomes* the contribution of the process of Global Consultations on International Protection to strengthening the international framework for refugee protection and to equipping States better to address the challenges in a spirit of dialogue and cooperation, and welcomes in this connection the Agenda for Protection;

7. *Reiterates* that international protection is a dynamic and action-oriented function, carried out in cooperation with States and other partners, inter alia, to promote and facilitate the admission, reception and treatment of refugees and to ensure durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups;

8. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

9. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of and reducing the heavy burden borne by countries that have received large numbers of refugees and asylum-seekers, and calls upon the Office of the High Commissioner to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, particularly least developed countries, and countries with economies in transition;

10. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, reaffirming that voluntary repatriation remains the

preferred solution, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration;

11. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

12. *Recognizes* that adequate and timely resources are essential for the Office of the High Commissioner to continue to fulfil the mandate conferred upon it through its statute, and by subsequent General Assembly resolutions concerning refugees and other persons of concern, and urges Governments and other donors to respond promptly to the global appeal issued by the Office for requirements under its annual programme budget;

13. *Requests* the High Commissioner to report on his activities to the General Assembly at its fifty-eighth session.

Also on 18 December [meeting 77], the Assembly, on the recommendation of the Third Committee [A/57/551], adopted **resolution 57/186** without vote [agenda item 104].

Continuation of the Office of the United Nations High Commissioner for Refugees

The General Assembly,

Recalling its resolution 52/104 of 12 December 1997, in which it decided to review, not later than at its fifty-seventh session, the arrangements for the Office of the United Nations High Commissioner for Refugees with a view to determining whether the Office should be continued beyond 31 December 2003,

Recognizing the need for concerted international action on behalf of refugees and displaced persons of concern to the United Nations High Commissioner for Refugees,

Considering the outstanding work that has been performed by the Office of the High Commissioner in providing international protection and material assistance to refugees and displaced persons, as well as in promoting permanent solutions to their problems,

Noting with deep appreciation the effective manner in which the Office of the High Commissioner has been dealing with various essential humanitarian tasks entrusted to it,

1. *Decides* to continue the Office of the United Nations High Commissioner for Refugees for a further period of five years from 1 January 2004;

2. *Also decides* to review, not later than at its sixty-second session, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 2008;

3. *Further decides* to consider at its fifty-eighth session proposals of the High Commissioner on the basis of his report, prepared in consultation with the Executive Committee of the Programme of the United Nations High Commissioner for Refugees and the Secretary-General, regarding the strengthening of the capacity of the Office to carry out its mandate.

Enlargement of Executive Committee

By **decision 2002/288** of 25 July, the Economic and Social Council took note of requests from Cyprus [E/2002/7], Kenya [E/2002/8] and Yemen [E/2002/75] for membership in the UNHCR Executive Committee and recommended that the General Assembly take a decision at its fifty-seventh (2002) session on the question of enlarging the Committee's membership from 61 to 64 States.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/57/551], adopted **resolution 57/185** without vote [agenda item 104].

Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decision 2002/288 of 25 July 2002 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the note verbale dated 3 October 2001 from the Permanent Mission of Kenya to the United Nations addressed to the Secretary-General, in the note verbale dated 19 October 2001 from the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General and in the letter dated 12 June 2002 from the Permanent Representative of Yemen to the United Nations addressed to the Secretary-General,

1. *Decides* to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from sixty-one to sixty-four States;

2. *Requests* the Economic and Social Council to elect the additional members at its resumed organizational session for 2003.

Financial and administrative questions

UNHCR's initial annual programme budget target for 2002 was set at \$828.6 million [A/58/12] by the Executive Committee in 2001 [YUN 2001, p. 1110]. That sum was revised in 2002 to \$1,057 million, due mainly to new situations in Afghanistan, Angola and West Africa. However, income from donors' contributions to the annual programme, which stood at \$815.8 million, declined slightly. The recurring funding shortfall compelled the High Commissioner to include sources of funds among subjects being examined by the "UNHCR 2004" process, initiated to better position the Office to execute its mandate [YUN 2001, p. 1107]. Expenditures during the year totalled some \$926.4 million, of which \$698.1 million was from the annual programme budget. UNHCR expenditure by region was as follows: Africa,

\$315 million; Europe, \$138 million; Central Asia, South-West Asia, North Africa and the Middle East, \$249 million; Asia and the Pacific, \$48 million; and the Americas, \$22 million.

In October, the Executive Committee approved the revised 2002 annual programme budget amounting to \$801.7 million, which, together with the UN regular budget contribution of \$20.1 million, provisions for Junior Professional Officers of \$7 million and the needs under supplementary programmes of \$201.5 million, brought total requirements for the year to \$1,030 million.

For 2003, the Committee approved \$809 million, including an operational reserve of \$74 million (representing 10 per cent of programmed activities), which, together with the UN regular budget contribution of \$20 million and provisions for Junior Professional Officers of \$7 million, brought total requirements for 2003 to \$836 million. The High Commissioner was requested, within available resources, to respond flexibly and efficiently to the needs currently indicated under the annual programme budget for 2003, and was authorized to create supplementary programmes and issue special appeals in the case of new emergency needs. Member States were urged to respond generously to the appeals.

Accounts (2001)

The audited financial statement of voluntary funds administered by UNHCR for the year ending 31 December 2001 [A/57/5/Add.1 & Corr.1] showed total expenditures of some \$783 million and funds available totalling \$932 million, with a net surplus of \$149 million.

The Board of Auditors recommended that UNHCR should: comply with the UN system accounting standards through accurate accounting of disbursements and valid unliquidated obligations; obtain audit certificates covering the financial reports submitted by international NGO and governmental partners; monitor corrective action taken by field offices and consider establishing a database on local audit resources to facilitate audit monitoring and risk assessment; manage exchange rate risks by adopting a more proactive, hedging stance; set and regularly update a comprehensive database in respect of bank services and obtain the best conditions and services; address and resolve current deficiencies of its Financial Management Information System and, in that regard, consult with the UN Secretariat and related agencies to ensure the existing diversity of information systems was in the best interest of Member States and beneficiaries of UN programmes. Regarding the General Assembly's position in resolution 56/233 [YUN 2001, p. 1327] that a biennial audit would give UNHCR more

time to implement the Board's recommendations and also facilitate the timely submission of audit certificates by implementing partners, the Board recommended that if the Assembly wished to pursue the matter, it should request UNHCR to perform a detailed review and cost-estimate of the modifications implied by a biennial cycle and that, regardless of the outcome, UNHCR should examine the cost of taking into account in its new information system the possibility of biennial cycles.

UNHCR, in September [A/AC.96/963/Add.1], reported on measures taken or proposed to respond to the recommendations of the Board of Auditors.

In a September report [A/57/439], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) observed that the Board of Auditors, in a later summary of its principal findings, conclusions and recommendations covering the audit of UN funds and programmes [A/57/201], had modified its opinion on UNHCR. Although ACABQ acknowledged an explanatory note from the Board that was annexed to its report, it requested the Board to report in its next audit on progress made in resolving the specific matters of concern that led to the modification of its opinion. Stressing the need to ensure that resources were used optimally and the cost of programme implementation was minimized, the Committee expressed its intention to follow up on the Board's recommendations on the accounts of UN funds and programmes.

The Executive Committee, in a decision on administrative, financial and programme matters [A/57/12/Add.1], requested that it be informed regularly on measures taken to address the recommendations and observations raised by the Board of Auditors and ACABQ.

In **resolution 57/287 A** of 20 December (see p. 1360), the General Assembly took note of a 2001 OIOS report on the audit of UNHCR's private sector fund-raising activities [YUN 2001, p. 1111].

Standing Committee

The UNHCR Standing Committee held three meetings in 2002 (5-7 March [A/AC.96/960]; 24-26 June [A/AC.96/969]; and 26 September [A/AC.96/971]). It reviewed UNHCR's programmes and activities in various regions and considered updates on overall programme and funding issues; programme/protection policy issues, including the safety and security of staff and the security of refugees; international protection; coordination issues within the UN system; and issues relating to management, finance, oversight and human resources.

In October [A/57/12/Add.1], the Executive Committee adopted the following items for the Stand-

ing Committee's 2003 programme of work: international protection; programme/protection policy; programme and funding; governance; coordination; and management, finance, oversight and human resources. The Standing Committee was authorized to add items to or delete items from its intersessional work programme.

Safety of staff

At its June meeting [A/AC.96/969], the Standing Committee discussed staff and refugee safety and security, particularly regarding progress made to enhance UNHCR's management of the issue and outstanding challenges. Key initiatives to minimize risks facing staff in the field included strengthening human resources through additional recruitment and more flexible arrangements for deployment of security officers to high-risk operations; broadening the implementation of the Minimum Operating Standards; reinforcing training and providing support and equipment to upgrade security requirements; and measures to protect security funding from potential budget cuts. To further strengthen staff safety, cooperation with the Office of the United Nations Security Coordinator was accorded high priority, and it was recognized that there was a need for a security management system more responsive to the diverse field conditions under which organizations like UNHCR often operated. Initiatives taken to enhance security collaboration with NGOs was highlighted. However, efforts to address the issues of refugee insecurity through collaboration with Governments and the UN Department of Peacekeeping Operations remained a challenge. The Committee underlined the lack of any predictable technical capacity that UNHCR could call upon when faced with refugee security threats it could not itself tackle effectively. It was emphasized that UNHCR's strategy must be built around the responsibility of host States to ensure refugee safety and security, as well as appropriate burden-sharing among concerned Governments.

Refugee protection and assistance

Protection issues

In 2002, following the conclusion of the Global Consultations on International Protection, which were launched in 2000 [YUN 2000, p. 1153], UNHCR and States adopted the Agenda for Protection [A/AC.96/965/Add.1], a multi-year programme of action for States, UNHCR, NGOs and other partners to improve the protection of refugees and

asylum-seekers. The Agenda consisted of a Declaration of States Parties—adopted at the conclusion of the 2001 Ministerial Meeting of States Parties [YUN 2001, p. 1113] to the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and/or its 1967 Protocol [YUN 1967, p. 477]—and a Programme of Action, which identified specific objectives and activities grouped according to six interrelated goals: strengthening implementation of the 1951 Convention and its 1967 Protocol; protecting refugees within broader migration movements; sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees; addressing security-related concerns more effectively; redoubling the search for durable solutions for refugees; and meeting the protection needs of refugee women and children.

The Global Consultations had proceeded along three parallel tracks in 2001 [YUN 2001, p. 1113]. Under the third track, which was structured around a number of protection policy matters, including issues not adequately covered by the Convention, and which was ongoing in 2002, Global Consultation meetings were held from 22 to 24 May on the search for protection-based solutions and the protection of refugee women and children.

The Executive Committee, which endorsed the Agenda in October [A/57/12/Add.1], requested UNHCR to disseminate it widely and engage partners through further discussion to establish priorities for follow-up activities. All concerned actors were encouraged to implement the Agenda, while UNHCR and States were invited to further develop and review its elements, cooperate in monitoring its implementation and inform the Committee of progress made in that regard.

The General Assembly, in **resolution 57/187** (see p. 1202), welcomed the Agenda for Protection and emphasized the importance of international cooperation in meeting the needs of refugees and other vulnerable groups.

In his annual report covering 2002 [A/58/12], the High Commissioner noted that the protection of refugees faced continuing challenges, many of them linked to security concerns—new stringent checks by States at entry points to their territories, stricter visa requirements and other restrictions. Consequently, asylum-seekers suffered increasing difficulties in gaining admission to asylum procedures, and arbitrary detention had become commonplace in some countries. In host developing countries, insecurity remained an endemic problem, with refugee camps and settlements infiltrated by armed elements, and refugees intercepted, denied entry, forcibly repatriated or denied access to asylum procedures. In addition,

ineffective immigration policies in some States had influenced increasing numbers of refugees to resort to illegal channels for entering industrialized countries. As a result, substantial numbers had fallen into the hands of traffickers and smugglers. Public support for refugee reception had been undermined by the media and a number of politicians, particularly during election campaigns. UNHCR responded to those challenges by including in its protection work numerous activities ranging from advocacy and monitoring to a variety of operational initiatives, and had also continued efforts to promote international instruments as the basis for the protection of refugees and stateless persons. Efforts were made, in cooperation with States and agencies within and outside the UN system, to enhance and update tools for those engaged in international protection work on the ground. High priority was accorded to registration and documentation to assess and monitor assistance, help protect refugees against refoulement and arbitrary detention, and facilitate their access to basic rights and family reunification. Measures to promote the physical safety of refugees were pursued and UNHCR had maintained its field presence and that of its partners. Other action included the adoption of an age- and gender-sensitive approach to developing standards and strategies to meet the protection needs of refugee children and women, addressing the plight of stateless persons, working with communities towards improving refugees' capacity to meet their own needs and the launching of the "Convention Plus" initiative, designed to promote multilateral burden-sharing and the achievement of durable solutions, especially in protracted refugee situations.

In a September note on international protection [A/AC.96/965], the High Commissioner, within the framework of the Agenda for Protection, further elaborated on major protection challenges and difficulties during the year, particularly in a number of countries plagued by war, civil strife and related violence and hostility towards refugees, especially women, children and elderly persons.

International instruments

In 2002, the Republic of Moldova, Saint Kitts and Nevis, and Ukraine became parties to the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520], bringing the total number of States party to the Convention to 141. With accession by the Republic of Moldova and Ukraine, the total number of States party to the Convention's 1967 Protocol [YUN 1967, p. 477] reached 139. As there were no new accessions to the 1954 Convention relating to the Status of Stateless Persons

[YUN 1954, p. 416] and the 1961 Convention on the Reduction of Statelessness [YUN 1961, p. 533], the number of States party to those instruments remained at 54 and 26, respectively.

Assistance measures

The global population of concern to UNHCR rose to 20.8 million in 2002 from 19.8 million in 2001. Those assisted included asylum-seekers, refugees, returning refugees in the early stages of their reintegration, internally displaced persons and other people of concern, mainly victims of conflict. A number of major repatriation operations assisted almost 2 million people to return to Afghanistan. Many others returned to Eritrea, Sierra Leone, Sri Lanka and Timor-Leste. Sizeable new refugee outflows were reported in Africa. About 20,000 refugees were resettled during the year, a decrease from 33,400 in 2001, partly due to heightened security concerns following the terrorist attacks of 11 September 2001 [YUN 2001, p. 60], which led to restricted admissions in some major resettlement countries. Millions in recurrent conflict situations worldwide continued to suffer, with little hope for durable solutions. UNHCR maintained its preparedness throughout the year to respond to emergency situations in over 20 different parts of the world.

In 2002, UNHCR received a total of some \$815.8 million in voluntary contributions towards its annual programme budget.

Refugees and the environment

In 2002, UNHCR's environmental management programme in refugee and return situations focused on the World Summit on Sustainable Development (see p. 821), which was expected to benefit UNHCR in terms of information-sharing, coordination and outreach. Among the activities planned were awareness-raising campaigns, clean-up operations (land and water), reforestation and rehabilitation projects, promotion of sustainable agricultural practices and income-generating projects. Plans were made for new programmes in Africa and Asia to increase support for environmental education. In continuing efforts to promote environmental management, UNHCR began to develop a strategy to ensure that environment concerns were sufficiently integrated in the planning and implementation of its programmes.

Refugees and HIV/AIDS

In February, UNHCR launched its 2002-2004 strategic plan, drafted in 2001 [YUN 2001, p. 1116] to strengthen HIV/AIDS prevention and care in refu-

gee situations globally. The plan, designed with guidance from the Joint United Nations Programme on HIV/AIDS (see p. 1219) and the World Health Organization, had among its objectives the reinforcement of HIV/AIDS programmes in refugee situations and the introduction of comprehensive pilot projects in selected sites, including East Africa, where such projects began within the year. In further efforts to address HIV/AIDS-related issues, UNHCR adopted a community-based approach, under which refugees themselves were involved as active partners in disseminating information and raising awareness about the disease. Major attention was accorded to the needs of victims, such as tracing family members of orphans whose parents had died of the disease or seeking foster care for them. Efforts were also made to counter the increasing perception that refugees carried an increased risk of infection, which could lead to discrimination in admission procedures or standards of treatment.

Refugee women

During 2002, UNHCR completed an assessment of refugee women and indicated that findings and recommendations would be considered within the context of action to decrease the risk of abuse and sexual exploitation of refugees. Allegations that refugee women and children suffered exploitation in some areas, including West Africa and Nepal, had underlined UNHCR's continuing challenge regarding the effective implementation of the standards and strategies it had developed to protect refugee women. In addition to investigating those allegations and taking action where warranted, UNHCR enhanced efforts to address refugee women's security by adopting a global capacity-building strategy, which included regional training and country-level workshops. It revised its guidelines on preventing and responding to sexual and gender-based violence as a basis for further staff training. In September, the Office established a Code of Conduct for staff and helped to develop an inter-agency plan of action on protection from sexual exploitation and abuse (see p. 1202). Efforts were made to improve the registration of women refugees, enhance their leadership skills and encourage their participation in refugee camp management.

Refugee children

UNHCR activities to protect refugee children focused on education as an essential means of averting dangers, including military recruitment, exploitation, abuse and trafficking. The challenge it faced in terms of access to education was underscored by the fact that only 50 per cent

of refugee children were enrolled in the four lowest grades, with a mere 12 per cent in the four highest grades. To improve the situation, UNHCR took a variety of measures to promote the education of girls and young refugee mothers in Guinea, Kenya, Namibia, Pakistan and Uganda. In May, an independent evaluation of the impact of UNHCR activities in meeting the needs of refugee children highlighted accountability and the implementation of policies as major concerns and suggested measures for improvement, following which an initial plan of action was drawn up.

Regional activities

Africa

Report of Secretary-General. In response to General Assembly resolution 56/135 [YUN 2001, p. 1118], the Secretary-General submitted an August report on assistance to refugees, returnees and displaced persons in Africa [A/57/324], covering developments since his 2001 report [YUN 2001, p. 1116]. He stated that repatriations during the reporting period had reduced the total number of refugees in Africa from 3.6 million as at the end of 2000 to 3.3 million. That figure accounted for some 27 per cent of the global 12 million refugee population. Intensified fighting and insecurity in the DRC and Liberia undermined UNHCR efforts to repatriate refugees safely and in dignity, as new waves of refugees fled to neighbouring countries or were displaced within their countries. The main refugee groups continued to originate from Angola (470,500), Burundi (553,900), the DRC (391,650), Eritrea (333,100), Liberia (244,500), Sierra Leone (178,900), Somalia (440,200) and the Sudan (489,560).

In East Africa and the Horn of Africa, positive developments included ongoing voluntary repatriation of Eritrean and Somali refugees and continuing progress in the Eritrea-Ethiopia peace process. During the year, over 11,300 Somali refugees, mainly in Ethiopia, repatriated, with 35,000 others expected to return by year's end, which would halve the 67,000 Somali refugees currently in Ethiopia. However, clan fighting in certain parts of the country made it difficult for the repatriation exercise, as renewed fighting in south-western Somalia in early May forced up to 10,000 Somali refugees into north-eastern Kenya. Also, reintegration activities were being hampered by unexploded ordnance and mines planted in border and military zones. It was, therefore, necessary to rehabilitate urgently the repatriation route and to restore water supply and reopen schools in areas of return prior to the

planned mass repatriation operations. In other parts of the region, some 13,140 Eritrean refugees in the Sudan went home, bringing to 45,880 the total number that had returned since repatriation began in 2001. In May 2002, UNHCR considered that the root causes of the Eritrean refugee problem no longer existed and, effective 31 December, invoked the "ceased circumstances" clauses contained in the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520]. Under those clauses, favourable changes in the personal circumstances of a refugee, such as the recovery of national protection, rendered international protection unnecessary and subject to withdrawal. Regarding the Sudan, which continued to generate the largest number of refugees in the region, extensive information campaigns were held to facilitate repatriation; it was expected that the registration of all camp- and settlement-based refugees there would be completed by year's end, with repatriation scheduled to be completed by 2003. The OIOS investigation of corruption in the resettlement activities of UNHCR in Nairobi was concluded during the year, and a series of remedial measures were taken.

In West and Central Africa, the refugee situation in the Mano River Basin countries (Guinea, Liberia, Sierra Leone) continued to be of concern, with complex movements of refugees and returnees, mixed populations of combatants and refugees, and increased numbers of IDPs. The recurrence of intense fighting in Liberia destabilized the subregion, forced some 62,000 Liberians to flee to Côte d'Ivoire, Ghana, Guinea and Sierra Leone, blocked access to some refugee camps and temporarily halted aid delivery. Guinea, the largest refugee-hosting country in the subregion, witnessed the arrival of another 17,300 Liberians during the year. About 15,000 to 20,000 Liberian IDPs added to the complexity of caring for refugees and asylum-seekers. The situation was relatively less grim for Sierra Leonean refugees in Guinea, of whom 16,031 were assisted by UNHCR to return home during the year. In Senegal, the resurgence of fighting in the Casamance region caused some 2,000 persons to flee to southern Gambia. Emergency missions were sent to the border area 30 kilometres (km) north of the capital city of Banjul to assess their needs, and arrangements were made to relocate them to safer sites inland. In other areas, the repatriation of Chadian refugees was completed, and several thousand from the Central African Republic also returned home during the year.

In the Great Lakes region, the war in the DRC continued to displace people within and across the borders as heavy fighting in Kisangani further exacerbated the fragile security situation in

the subregion. The separation of former Central African Republic combatants from the refugee community in the Zongo area was completed within the year. Subsequently, UNHCR began to transfer refugees in the country farther inland where shelters, sanitary facilities and a primary school were established to meet their needs. Heavy fighting in the southern part of the Republic of the Congo, some 200 km from Brazzaville, continued to cause movements into the DRC. In Burundi, despite the insecurity in some provinces, the inauguration of the Transitional Government in 2001 [YUN 2001, p. 148] encouraged the repatriation of 541,000 Burundian refugees in neighbouring countries. However, return to the southern provinces was not encouraged owing to continuing security concerns. As to Rwanda, reconciliation efforts, including measures to bring alleged cases of genocide to justice (see p. 1284) and activities promoting coexistence among returnees and local communities, were expected to encourage further returns.

In Southern Africa, although critical food shortages and political tension raised concern, the prospects for peace and stability were strengthened by the end of Angola's civil war and the progress of the peace process in the country (see p. 218). Within the year, some 10,000 Angolan refugees in Zambia repatriated spontaneously, and UNHCR prepared to assist more Angolan refugees in their voluntary repatriation, rehabilitation and reintegration. It was anticipated that up to 80,000 of them could return by year's end. Under a tripartite agreement between Botswana, Namibia and UNHCR, preparations were under way to facilitate the return of 2,400 Namibian refugees in Botswana, many of whom had fled secessionist violence in 1998.

The Secretary-General described inter-agency cooperation efforts to protect and assist refugees, returnees and displaced persons in Africa, as well as UNHCR's cooperation with continental and subregional bodies.

UNHCR report. According to UNHCR's *Global Report 2002*, persons of concern in Africa during the year totalled 4.4 million, comprising some 3.3 million refugees, 138,654 asylum-seekers, 536,644 IDPs and 381,256 returned refugees and IDPs.

In the Great Lakes region, despite the signing of various peace and ceasefire agreements, deadly conflicts, especially in parts of the DRC and Burundi, made it difficult for UNHCR to realize all its planned activities, as insufficient access to those in need, among other problems, continued to hamper operations in the region. Issues of concern in East Africa and the Horn of Africa included the displacement of thousands of persons

due to fighting in southern Somalia, northern Uganda and some Sudanese border areas and the impact of drought in Eritrea and Ethiopia, which caused food shortages that left some refugees with half rations. In West and Central Africa, where crises in Côte d'Ivoire, Liberia, Nigeria and Senegal sparked waves of refugees crossing national borders, UNHCR assisted hundreds of thousands of refugees and established a regional resettlement hub in Accra, Ghana, to strengthen the management of resettlement activities and provide technical support to 21 countries in the region. The main challenge in Southern Africa was managing the spontaneous return of thousands of Angolan refugees following the end of many years of civil war in the country. Catering to the needs of an increasing number of asylum-seekers, which stood at 52,400 in 2002, also presented a major challenge.

By subregion, UNHCR assisted 1.4 million persons in the Great Lakes region, which received \$83.9 million in agency expenditures. In West and Central Africa, \$88.2 million was spent on 1 million persons of concern, while some \$102 million was spent on programmes assisting 1 million persons in need in East Africa and the Horn of Africa. In Southern Africa, \$41 million was spent on 676,102 persons of concern.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/57/551], adopted **resolution 57/183** without vote [agenda item 104].

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 56/135 of 19 December 2001,

Recalling also the provisions of its resolution 2312 (XXII) of 14 December 1967, by which it adopted the Declaration on Territorial Asylum,

Recalling further the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969 and the African Charter on Human and Peoples' Rights,

Recalling the Khartoum Declaration and the Recommendations on Refugees, Returnees and Internally Displaced Persons in Africa adopted by the Organization of African Unity at the ministerial meeting held at Khartoum on 13 and 14 December 1998,

Welcoming decision CM/Dec.667(LXXVI) on the situation of refugees, returnees and displaced persons in Africa adopted by the Council of Ministers of the Organization of African Unity at its seventy-sixth ordinary session, held at Durban, South Africa, from 28 June to 6 July 2002,

Welcoming also decision AHG/Dec.165(XXXVII) on the fiftieth anniversary of the adoption of the 1951 Convention relating to the Status of Refugees by the Assembly of Heads of State and Government of the

Organization of African Unity at its thirty-seventh ordinary session, held at Lusaka from 9 to 11 July 2001,

Recalling General Assembly resolution 57/2 of 16 September 2002 on the United Nations Declaration on the New Partnership for Africa's Development, and affirming that international support for the implementation of the New Partnership for Africa's Development is essential, notably as it relates to refugees, returnees and displaced persons,

Reaffirming that the 1951 Convention relating to the Status of Refugees, together with the 1967 Protocol thereto, as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

Recognizing that the fundamental principles and rights embodied in those Conventions have provided a resilient protection regime within which millions of refugees have been able to find safety from armed conflicts and persecution,

Welcoming in that regard the Declaration adopted at the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, held at Geneva on 12 and 13 December 2001, as an expression of their collective commitment to full and effective implementation of the Convention and the Protocol,

Recalling the Comprehensive Implementation Plan adopted by the Special Meeting of Governmental and Non-Governmental Technical Experts convened by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees at Conakry from 27 to 29 March 2000 on the occasion of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969, and noting its endorsement by the Council of Ministers of the Organization of African Unity at its seventy-second ordinary session, held at Lomé from 6 to 8 July 2000,

Commending the First Ministerial Conference on Human Rights in Africa of the Organization of African Unity, held at Grand Baie, Mauritius, from 12 to 16 April 1999, and recalling the attention paid to issues relevant to refugees and displaced persons in the Declaration and Plan of Action adopted by the Conference,

Recognizing the contributions made by African States to the development of regional standards for the protection of refugees and returnees, and noting with appreciation that countries of asylum are hosting refugees in a humanitarian spirit and in a spirit of African solidarity and brotherhood,

Recognizing also the need for States to address resolutely the root causes of forced displacement and to create conditions that facilitate durable solutions for refugees and displaced persons, and stressing in that regard the need for States to foster peace, stability and prosperity throughout the African continent to forestall large refugee flows,

Convinced of the need to strengthen the capacity of States to provide assistance to and protection for refugees, returnees and displaced persons and of the need for the international community, within the context of burden-sharing, to increase its material, financial and technical assistance to the countries affected by refu-

gees, returnees and displaced persons, to simultaneously address the inadequacies of existing assistance arrangements and to support initiatives in this regard,

Acknowledging with appreciation that some assistance is already rendered by the international community to refugees, returnees and displaced persons and host countries in Africa,

Deeply concerned about the continuing critical humanitarian situation in African countries, in particular in the Horn of Africa and southern Africa, aggravated, among other things, by persistent natural disasters, including drought, floods and desertification, which can precipitate the displacement of people,

Noting with great concern that, despite all the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious,

Stressing that the provision of relief and assistance to African refugees by the international community should be on an equitable and non-discriminatory basis,

Considering that, among refugees, returnees and internally displaced persons, women and children are the majority of the population affected by conflict and bear the brunt of atrocities and other consequences of conflict,

1. *Takes note* of the reports of the Secretary-General and the United Nations High Commissioner for Refugees;

2. *Notes with concern* that the deteriorating socio-economic situation, compounded by political instability, internal strife, human rights violations and natural disasters, has led to increased numbers of refugees and displaced persons in some countries of Africa, and remains particularly concerned about the impact of large-scale refugee populations on the security, socio-economic situation and environment of countries of asylum;

3. *Encourages* African States to ensure the full implementation of and follow-up to the Comprehensive Implementation Plan adopted by the Special Meeting of Governmental and Non-Governmental Technical Experts convened by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees at Conakry from 27 to 29 March 2000 on the occasion of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969;

4. *Calls upon* States and other parties to armed conflict to observe scrupulously the letter and the spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

5. *Expresses its appreciation* for the leadership shown by the United Nations High Commissioner for Refugees since assuming office in January 2001, and commends the Office of the High Commissioner for its ongoing efforts, with the support of the international community, to assist African countries of asylum and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

6. *Takes note* of the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees as an expression of

their collective commitment to full and effective implementation of the Convention and the Protocol;

7. *Welcomes* the contribution of the process of Global Consultations on International Protection to strengthening the international framework for refugee protection and to equipping States to better address the challenges in a spirit of dialogue and cooperation, and welcomes in that connection the Agenda for Protection;

8. *Reaffirms* that the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, as complemented by the Organization of African Unity Convention of 1969, remain the foundation of the international refugee protection regime in Africa, encourages African States that have not yet done so to accede to those instruments, and calls upon States parties to the Conventions to reaffirm their commitment to their ideals and to respect and observe their provisions;

9. *Notes* the need for States to address the root causes of forced displacement in Africa, and calls upon African States, the international community and relevant United Nations organizations to take concrete action to meet the needs of refugees, returnees and displaced persons for protection and assistance and to contribute generously to national projects and programmes aimed at alleviating their plight;

10. *Also notes* the link, inter alia, between human rights violations, poverty, natural disasters and environmental degradation and population displacement, and calls for redoubled and concerted efforts by States, in collaboration with the African Union, to promote and protect human rights for all and to address those problems;

11. *Encourages* the Office of the United Nations High Commissioner for Refugees to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights and the African Commission on Human and Peoples' Rights, within their respective mandates, in the promotion and protection of the human rights and fundamental freedoms of refugees, returnees and displaced persons in Africa;

12. *Notes with appreciation* the ongoing mediation and conflict resolution efforts carried out by African States, the African Union and subregional organizations, as well as the establishment of regional mechanisms for conflict prevention and resolution, and urges all relevant parties to address the humanitarian consequences of conflicts;

13. *Expresses its appreciation and strong support* for those African Governments and local populations that, in spite of the general deterioration of socio-economic and environmental conditions and overstretched national resources, continue to accept the additional burden imposed upon them by increasing numbers of refugees and displaced persons, in compliance with the relevant principles of asylum;

14. *Welcomes* the decision of African heads of State and Government to address the situation of refugees, returnees and displaced persons in Africa within the context of the New Partnership for Africa's Development;

15. *Expresses its concern* about instances in which the fundamental principles of asylum are jeopardized by unlawful expulsion or refoulement or by threats to the

life, physical security, integrity, dignity and well-being of refugees;

16. *Calls upon* States, in cooperation with international organizations, within their mandates, to take all necessary measures to ensure respect for the principles of refugee protection, and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements;

17. *Deplores* the deaths, injuries and other forms of violence sustained by staff members of the Office of the United Nations High Commissioner for Refugees, urges States, parties to conflict and all other relevant actors to take all necessary measures to protect activities related to humanitarian assistance, to prevent attacks on and kidnapping of national and international humanitarian workers and to ensure their safety and security, calls upon States to investigate fully any crime committed against humanitarian personnel and to bring to justice persons responsible for such crimes, and calls upon organizations and aid workers to abide by the national laws and regulations of the countries in which they operate;

18. *Condemns* any exploitation of refugees, especially their sexual exploitation, and calls for those responsible for such deplorable acts to be brought to justice;

19. *Welcomes* the decision by the Office of the High Commissioner to put into place a code of conduct for humanitarian personnel aimed at preventing the exploitation of refugees, especially in the area of sexual exploitation;

20. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the international refugee protection system;

21. *Calls upon* the Office of the High Commissioner, the international community and other concerned entities to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities;

22. *Reaffirms* the right of return and also the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

23. *Notes with satisfaction* the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations

carried out by the Office of the High Commissioner with the cooperation and collaboration of countries hosting refugees and countries of origin, and looks forward to other programmes to assist the voluntary repatriation and reintegration of all refugees in Africa;

24. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden-sharing, to the third-country resettlement requests of African refugees, and notes with appreciation that some African countries have offered resettlement places for refugees;

25. *Calls upon* the international donor community to provide financial and material assistance for the implementation of community-based development programmes in refugee-hosting areas, in agreement with host countries, which benefit both refugees and host communities, as appropriate;

26. *Welcomes* the programmes carried out by the Office of the High Commissioner with host Governments, the United Nations, non-governmental organizations and the international community to address the environmental and socio-economic impact of refugee populations;

27. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;

28. *Expresses its concern* about the long stay of refugees in certain African countries, and calls upon the Office of the High Commissioner to keep its programmes under review, in conformity with its mandate in the host countries, taking into account the increasing needs of refugees;

29. *Emphasizes* the need for the Office of the High Commissioner to collate statistics, on a regular basis, on the number of refugees living outside refugee camps in certain African countries with a view to evaluating and addressing the needs of those refugees;

30. *Urges* the international community, in a spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

31. *Requests* all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children and displaced persons, including those with special protection needs;

32. *Calls upon* States and the Office of the High Commissioner to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

33. *Expresses grave concern* about the plight of internally displaced persons in Africa, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement, and urges the international community, led by relevant United Nations organizations, to contribute gener-

ously to national projects and programmes aimed at alleviating the plight of internally displaced persons;

34. *Invites* the Representative of the Secretary-General on internally displaced persons to continue his ongoing dialogue with Member States and the inter-governmental and non-governmental organizations concerned, in accordance with his mandate, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

35. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-eighth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions", and to present an oral report to the Economic and Social Council at its substantive session of 2003.

The Americas

UNHCR activities in North America and the Caribbean in 2002 centred on legal issues affecting refugees and asylum-seekers. A notable development was the signing by Canada and the United States of a "safe third country" agreement requiring individuals to seek asylum in the first of the two countries they reached, with UNHCR monitoring the process. In Canada, a new immigration and refugee law entered into force in June, which established a consolidated procedure for assessing asylum applications on the basis of the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and other instruments. The new law broadened the categories of persons who were not admissible to the asylum procedure; reduced access to appeals before removal in some cases; increased the penalties for people-smuggling and -trafficking; and clarified the grounds for the detention of asylum-seekers. In the United States, refugee arrivals under the country's resettlement programme were greatly reduced by the suspension of processing and additional security measures applied to resettlement applications following the terrorist attacks of 11 September 2001 [YUN 2001, p. 60]; some 26,210 of a planned total of 70,000 refugees were resettled in 2002. In the Caribbean, where UNHCR continued to promote accession to the 1951 Convention and/or its 1967 Protocol, progress was made in building asylum capacity in the region.

In Central America and Mexico, restrictive immigration measures resulting from the 2001 terrorist attacks in the United States continued to affect the region. Some 27,770 persons were of concern to UNHCR, and about 4,210 new asylum applications were received. Costa Rica was host to the largest number of asylum-seekers in the

region. UNHCR's major challenges included strengthening the capacity of governmental and NGO institutions dealing with migration issues, promoting durable solutions for long-staying refugees, supporting government authorities to reinforce the legal framework for protecting refugees and asylum-seekers, and mainstreaming gender in its activities in the subregion.

Issues of concern in South America related mainly to the escalation of hostilities in the armed conflict among irregular groups and the army in Colombia, which continued to force Colombians into neighbouring countries (Ecuador, Panama, Venezuela), where asylum applications rose from 3,750 in 2001 to 7,110 in 2002. UNHCR, focusing on border areas with a high concentration of individuals seeking its protection, implemented with its partners high-impact projects in refugee-hosting communities to reinforce national protection networks. In September, it produced a set of guidelines on international protection considerations regarding Colombian asylum-seekers and refugees, designed to facilitate the adjudication of asylum applications. Ecuador received the highest number of asylum-seekers, mostly Colombians. During the year, UNHCR assisted some 4,760 of the 8,660 refugees and asylum-seekers in southern South America (Argentina, Bolivia, Paraguay, Uruguay) and reinforced partnerships to achieve durable solutions in the subregion.

Total UNHCR expenditure in the Americas and the Caribbean for the year was \$22 million for a population of concern numbering about 2 million.

Asia and the Pacific and the Arab States

In 2002, UNHCR spent a total of \$48 million on activities in Asia and the Pacific for a total population of concern of 1.6 million. For operations in Central Asia, South-West Asia, North Africa and the Middle East, a total of \$248.6 million was spent for a population of concern of 8.2 million.

South Asia

Following a February cease fire agreement that halted 20 years of civil conflict in Sri Lanka, some 258,882 IDPs returned spontaneously to their places of origin within the year, as did several hundred others who had fled to southern India. UNHCR, by strengthening its field presence to monitor the human rights situation in priority areas of return, improved the protection of IDP rights. The Office also redoubled its efforts to facilitate the voluntary repatriation of 760 refugees from Bangladesh to Myanmar, with 22,000 remaining in camps. UNHCR helped set up a time

frame to end the main phase of repatriation by 30 June 2003. In Myanmar's northern Rakhine State, UNHCR's presence continued to promote the sustainable reintegration of some 232,000 Muslim returnees, according special attention to vulnerable groups. In India, where Tibetan and Sri Lankan Tamil refugees were the Government's responsibility, UNHCR provided protection and assistance to 12,750 refugees of other nationalities who lived in and around the capital. In eastern Nepal, no practical progress was made on durable solutions for over 100,000 camp residents, as Nepal and Bhutan were unable to reconcile their respective positions. Renewed insecurity in Nepal threatened UNHCR's operations; the consequent frustration and tension among camp residents worsened and issues of sexual and gender-based violence emerged. UNHCR took remedial and preventive measures.

East Asia and the Pacific

In East Asia and the Pacific, the independence of Timor-Leste (East Timor) (see p. 315) resulted in the return of over 31,000 refugees to the country. At year's end, some 225,000 persons had returned, and UNHCR announced the cessation of refugee status for those from Timor-Leste. In China, UNHCR continued to promote durable solutions for 295,000 Vietnamese refugees, mainly through naturalization or voluntary repatriation. During the year, over 200 North Koreans entered diplomatic missions in China to seek asylum; most of them were subsequently resettled. However, UNHCR remained concerned about the risk of deportation of other North Koreans in China and continued efforts on their behalf to ascertain asylum claims. In August, Malaysia imposed new penalties on illegal migrants, including caning and deportation, which resulted in UNHCR being contacted by hundreds of asylum-seekers, primarily from Indonesia and Myanmar. By year's end, some 805 cases had been determined, with over 100 refugees resettled. Another 500,000 illegal migrants left the country during an immigration amnesty between March and August. Resettlement of refugees in the region included 791 in Cambodia, 750 in Malaysia and 296 in Thailand. In Hong Kong, 939 of the 984 eligible Vietnamese refugees and migrants were accepted for local settlement by the end of the year. UNHCR continued to monitor the refugee situation, made efforts to promote adherence to relevant international instruments and standards, and undertook numerous activities to provide the requisite protection and assistance. However, a major cause for concern was the crack-down by Malaysian authorities on illegal migrants, which resulted in the occupation of the UNHCR office in Kuala Lumpur on five occasions, increasing

security risks for staff. Similar occupations occurred in its Jakarta office in Indonesia.

*Central Asia, South-West Asia,
North Africa and the Middle East*

Humanitarian developments in South-West Asia and Central Asia during the year were dominated by massive repatriations of Afghan refugees following the establishment in 2001 of a new administration under the Bonn Agreement [YUN 2001, p. 263]. An estimated 1.8 million Afghans returned from Iran, Pakistan and the Central Asian republics (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan), most of whom were assisted by UNHCR, as were some 400,000 IDPs within Afghanistan who also went home. To facilitate their reintegration, UNHCR helped the new Afghan administration to establish and implement a legal framework covering returnees' rights and ensured that development plans took account of their needs and potential contribution. The challenges and constraints that confronted UNHCR included the fact that over 3 million other Afghan refugees remained in Iran and Pakistan, where the Office made efforts to ensure that favourable asylum regimes were created and to provide further humanitarian assistance. Other areas of concern included the rate of return and related logistical needs, the scale of assistance required, severe drought that affected crop yields and persistent insecurity (see p. 257).

Operations in Afghanistan within the year were greatly facilitated by prior activities in the Central Asian republics, where UNHCR had stockpiled supplies that were eventually moved into Afghanistan. As to other refugees in the sub-region, UNHCR assisted Tajiks and Chechens returning from other Central Asian republics, resettling elsewhere those who could neither repatriate nor be locally integrated.

UNHCR activities in North Africa focused on the protracted refugee situation in the Tindouf camps in south-west Algeria, where refugees from Western Sahara had lived for over 25 years. The Office supported the repatriation of other sub-Saharan refugees from the Libyan Arab Jamahiriya, Mauritania, Morocco and Tunisia, assisted asylum-seekers in the region and made efforts to help the Government of Algeria establish national asylum legislation to better manage the situation.

In the Middle East, UNHCR's overriding concern in 2002 was the situation in Iraq, where the living conditions of the entire population and refugees continued to deteriorate owing to the international sanctions regime, which also compelled Iraqi nationals to leave. Further problems were created by additional resettlement restric-

tions imposed by some countries in the region, which slowed down the process and further lengthened the long list of people waiting to be resettled. UNHCR continued to provide protection and assistance to some 20,000 Iranian, 13,000 Turkish and 200 other refugees in Iraq. By year's end, over 1,100 Iranians had returned home from Iraq with UNHCR assistance. Others assisted included 500 Yemeni refugees who returned from Egypt and the Syrian Arab Republic. UNHCR continued to promote accession by the regional States to the 1951 Convention and its 1967 Protocol (see p. 1206), and in that context an MOU was being prepared to be signed by the Office and member countries of the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates), aimed at raising the importance attached to asylum, humanitarian assistance and other related refugee issues in the region.

Europe

In 2002, UNHCR's expenditure for activities in Europe totalled \$138 million for a population of concern of 4.8 million, of which \$85 million was for 1.3 million persons of concern in South-Eastern Europe.

Although political developments in Western Europe in 2002 signalled further restrictive approaches towards the issue of asylum, the main asylum countries considered innovative policies to alleviate the pressure on asylum channels while upholding the fundamental principles of protection. During the year, a total of 425,528 asylum applications were filed, of which France, Germany and the United Kingdom received about 50 per cent. The United Kingdom, with 24 per cent of the total, received the largest number of asylum requests, while Iraqi nationals, accounting for 10.7 per cent of the applications, were the largest group of asylum-seekers, followed by nationals of the Federal Republic of Yugoslavia (FRY), Nigeria and the DRC. Owing to increasing pressure on its asylum system, the United Kingdom was considering a policy that, for the first time, limited access to its territory for asylum-seekers, who were to be confined to temporary holding centres overseas while their claims were processed. Changes were also under consideration in Italy and Germany, while the European Union made progress with its asylum harmonization agenda by laying down minimum standards for the reception of asylum-seekers in member States. UNHCR field offices in Western Europe continued to monitor the operation of asylum systems and undertook wide-ranging activities relating to training programmes for immigration officials, the management of asylum-

seekers and economic migrants, voluntary repatriation processes, access to asylum procedures and reception, strengthening asylum systems, mobilizing public opinion and strengthening partnerships and networking in the subregion. Sources of concern and challenges in the subregion had to do with securing access to territory and refugee status determination, as well as fading public support for Western Europe's traditional culture of asylum, and consequent hostility and attacks against asylum-seekers.

Asylum applications in Central Europe, the Baltic States and Cyprus numbered 38,161 (26 per cent fewer than in 2001), a downward trend attributable to fewer Afghans seeking asylum, new visa requirements in neighbouring countries, such as Bosnia and Herzegovina, and enhanced border controls. New legislation on asylum and/or aliens either came into effect or was under consideration in many subregional States. UNHCR made progress in the pursuit of its three-pronged strategy to strengthen asylum systems through national initiatives, formal regional cooperation and informal intellectual cross-fertilization. It also undertook activities to enhance partnerships, promote public awareness and sustain its advocacy role on international protection issues in the subregion. Causes of concern related to problematic access to asylum procedures in some countries and the lack of sufficient government funding for integration programmes, which undermined the refugees' ability to achieve self-reliance and to integrate properly.

In Eastern Europe, in addition to some 9,000 asylum-seekers, mainly from Afghanistan and Chechnya, Azerbaijan hosted some 570,000 persons, one of the largest IDP populations per capita in the world. In the Northern Caucasus, UNHCR aimed to protect and assist Chechens displaced into neighbouring Ingushetia and to provide limited assistance to those returning voluntarily to Chechnya when feasible. In the Southern Caucasus, it focused on international refugee protection, seeking to give impetus to durable solutions. The Republic of Moldova and Ukraine acceded to the 1951 Convention and its 1967 Protocol (see p. 1206), which marked the accession of all Eastern European States and enabled UNHCR to shift its main focus in the subregion from the drafting and enacting of new legislation to implementation and the establishment of national institutions and mechanisms to deal with refugee

status determination. Related activities were undertaken in Armenia, Azerbaijan, Belarus, the Republic of Moldova and Ukraine.

As prospects for eventual stability and renewed growth became more apparent, durable solutions continued to be found for significant numbers of refugees in South-Eastern Europe. In Bosnia and Herzegovina, for the third successive year, over 100,000 minorities returned home, and the steady resolution of property claims was clearing the way for many others to return. Similarly, Croatia recorded some 11,000 cross-border returns, 1,500 of them from FRY. However, the naturalization of many others who no longer wished to return to Bosnia and Herzegovina or Croatia was delayed by the slow implementation of the national strategy in FRY, owing to political uncertainty. Also, the non-resolution of all outstanding refugee and return-related issues in Croatia caused no fewer than 22,000 Croatian Serb refugees to remain in Bosnia and Herzegovina and tens of thousands of others to stay in FRY. In the former Yugoslav Republic of Macedonia (FYROM), the return by year's end of nearly 95 per cent of displaced persons encouraged optimism regarding the implementation of the 2001 framework agreement for ending the ethnic conflict in the country [YUN 2001, p. 371]. In the Kosovo province of FRY, however, little progress was made regarding the repatriation of minorities, as freedom of movement and security were not fully established.

UNHCR shifted emphasis in the subregion from humanitarian assistance to longer-term protection activities. It made progress in its work, undertaken with European partners, on the passage of appropriate refugee-related legislation in Albania, Croatia, FRY and FYROM, which increased the capacity of Governments and NGOs to meet challenges and to build national asylum systems consistent with international standards.

Communication. In November [A/57/693], Norway and Switzerland transmitted the Declaration of The Hague on the Future of Refugee and Migration Policy, adopted by 500 persons from all parts of the world under the aegis of the Netherlands Chapter of the Society for International Development. The Declaration proposed a new approach in dealing with refugee and migrant issues, including the need to re-think the long-term interests of States and societies, and the aspirations and needs of people on the move.