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### EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

Fifty-eighth session  
Geneva, 1-5 October 2007  
Item 5 of the provisional agenda  
Consideration of Reports on the work of the Standing Committee

#### **Report of the thirty-ninth meeting of the Standing Committee (25-27 June 2007)**

Report by the High Commissioner

#### I. INTRODUCTION

1. The Chairman of the Executive Committee, His Excellency Ambassador Love Mtesa (Zambia), opened the meeting and welcomed Costa Rica and Estonia as new members of the Executive Committee. Requests for observer status at the meetings of the Standing Committee, for the duration of the 58<sup>th</sup> session of the Executive Committee from October 2006 to October 2007, were received and granted to: Angola and Luxembourg. The meeting sessions on 26 and 27 June were chaired by the Vice-Chairman, His Excellency Ambassador Wegger Strømme (Norway).

#### II. ADOPTION OF THE AGENDA OF THE THIRTY-NINTH MEETING

2. The agenda for the meeting (EC/58/SC/CRP.9/Rev.1) was adopted.

### III. ADOPTION OF THE DRAFT REPORT OF THE THIRTY-EIGHTH MEETING

3. The adoption of the draft report of the 38<sup>th</sup> meeting of the Standing Committee (EC/58/SC/CRP.8) was deferred to the 40<sup>th</sup> meeting of the Standing Committee, pending an amendment to paragraph 51 of the report.

### IV. INTERNATIONAL PROTECTION

#### A. Note on International Protection

4. The Assistant High Commissioner for Protection opened the agenda item with an update on progress made during her first year of tenure of this new position. She had focused on achieving results and operationalizing protection, making efforts to address the challenges of mixed irregular movements and increased responsibilities for internally displaced persons (IDPs). She announced that the first meeting of the High Commissioner's "Forum" on protection challenges, scheduled for later in the year, would look at protection in the context of mixed population movements. On the question of exit strategies, the Assistant High Commissioner stressed that the challenges of disengagement were common to both IDP and refugee operations, including returnee situations. UNHCR needed clear and predictable exit strategies supported by Governments.

5. The Director of the Division of International Protection Services (DIPS) introduced the Note on International Protection (EC/58/SC/CRP.11) which once again had been structured around the six goals of the Agenda for Protection. However, as this was the end of the five-year timeframe envisaged for implementation of the Agenda, the Committee would have to decide on what should happen next with regard to the Agenda and reporting on implementation of its goals.

6. A number of delegations expressed concern about the rise in numbers of refugees as well as of IDPs receiving assistance from UNHCR. Delegations queried the implications of this on UNHCR's operations, and called on the Office to increase its partnerships and capacity building efforts. Delegations called for further discussions on the criteria and benchmarks on which to base UNHCR's exit strategies, noting that the need for this had become particularly pressing in view of the increased numbers of people of concern to the Office. Several delegations cautioned that the significant increase in activities related to situations of internal displacement should not be allowed to have a negative effect on UNHCR's refugee work; others expressed concern about a possible over-extension of UNHCR's mandate. There was praise for UNHCR's efforts to strengthen local and national protection capacity, including refugee legislation. Requests for further information from individual delegations included: a paper providing details on the operationalization of protection; an evaluation report on the creation of the Assistant High Commissioner for Protection position; and further details of the proposed High Commissioner's "Forum".

7. The International Conference on Addressing the Humanitarian Needs of Refugees and Internally Displaced Persons inside Iraq and in Neighbouring Countries organized by UNHCR in April received general support, as did the Office's activities to assist Iraqis displaced

in the region. The Syrian Arabic Republic and Jordan were commended for their response to this humanitarian crisis. Some delegations expressed concern about the situation of IDPs in Iraq and asked for increased resettlement of Iraqis.

8. Several delegations shared UNHCR's concern about instances of *refoulement* of asylum-seekers and recognized refugees, notably in mixed flows and as a result of security concerns. States were encouraged to uphold the minimum international protection standard of *non-refoulement*. There was general agreement that the two recently adopted United Nations Conventions on the Rights of Persons with Disabilities and on the Protection of all Persons from Enforced Disappearance complemented the protection framework. Some delegations expressed concern over the growing instances of detention of asylum-seekers, including children, while others emphasized the need for age-sensitive asylum procedures and interpretation of the refugee definition.

9. There was general appreciation of UNHCR's role with regard to protecting refugees within broader migration movements and of the Office's 10-Point Plan of Action to address mixed migration movements. Nevertheless, concerns were voiced that the inappropriate management of these could lead to instances of *refoulement*, in particular in a rescue-at-sea context, and also that UNHCR should be mindful of its mandate in broader movements and avoid duplication of existing expertise. Delegations welcomed the prospect of considering asylum and migration issues at the High Commissioner's "Forum" on protection challenges later in the year.

10. A number of delegations expressed concern about the continued deterioration of security in many field operations, exposing staff and beneficiaries alike. There was general appreciation of UNHCR's Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum and many delegations commended UNHCR's strengthened initiatives to tackle sexual and gender-based violence.

11. Several delegations asked for an updated analysis of the protracted situations in which some six million refugees were currently living without any prospective durable solution. Delegations noted that the preferred solution of voluntary repatriation implied the need for rehabilitation and early recovery. Several delegates reiterated the importance of resettlement as a protection tool and burden-sharing mechanism and called for an increase in the number of resettlement countries.

12. There was general support for the activities that UNHCR had developed for the protection of women and children, in particular for the roll-out of the age, gender and diversity mainstreaming strategy. States also welcomed the initiative on a Conclusion on Children at Risk this year, but warned against duplication of the previous year's Conclusion on Women and Girls at Risk. Some delegations expressed concern about the increasingly insufficient food rations for refugees, which affected women and children in particular.

13. One delegation insisted that all rejected asylum-seekers from Kosovo should return to Kosovo and urged UNHCR to reconsider its advisory. The Office's position on this was that while UNHCR was keeping this under review, for the moment the Office stood by its recommendation that it was still not safe for all groups, in particular for Roma and Serb minorities, to return to Kosovo.

14. There were several comments on issues relating to statelessness which remained of considerable concern in some areas of the world.

15. The Assistant High Commissioner for Protection welcomed the interest expressed by many delegations in capacity building and provided a detailed update on the Strengthening Protection Capacity Project. She clarified that greater involvement by UNHCR in protecting people in mixed movement situations indeed fell within its mandated responsibilities for persons of concern to the Office who were part of these movements. With a view to improving inter-agency coordination on safety at sea and strengthening partnerships, the Assistant High Commissioner confirmed that this had been the rationale for her recent meeting with the International Maritime Organization.

16. Responding to delegates' concerns about the increase in the numbers of persons of concern to the Office, the Director of DIPS noted that part of the rise in figures was due to improvements in statistical reporting. With regard to the large number of IDPs and the potential implications for UNHCR's involvement in this respect, he pointed out that responsibility for IDPs was shared with other humanitarian players, and that UNHCR's engagement with refugee populations remained much greater than with IDPs.

#### B. UNHCR's activities in relation to the asylum-migration nexus

17. The Chief of the Protection Operations and Legal Advice Section (POLAS) presented document EC/58/SC/CRP.12 and provided an update on recent UNHCR initiatives in relation to the asylum-migration nexus.

18. Several delegations welcomed UNHCR's assurance that the 10-Point Plan of Action would be flexible and adaptable to different situations. A number of delegations requested further clarification on various points, including the scope of the Plan and strategies for implementation, evaluation, feedback and analysis, as well as irregular secondary movements and readmission.

19. Some delegates called for continued consultation between UNHCR and ExCom Members as the Office further develops elements of the Plan, including clarification of the roles and responsibilities of all actors involved and coordination of proposed activities with national authorities to avoid duplication of effort. Attention was drawn to the need to give consideration to the problem of victims of trafficking who would not fall directly under the mandate of UNHCR, some of whom do not have international protection needs. On the issue of rescue at sea, several delegations stressed that this was an area which went beyond UNHCR's mandate.

20. The Assistant High Commissioner for Protection acknowledged the importance of partnerships among all actors involved, including national entities and governments. With regard to an implementation strategy, she confirmed that the Office was currently analysing how the Plan might help in responding to mixed migration phenomena in different contexts, and that a handbook on good practices was being developed.

## V. PROGRAMME/PROTECTION POLICY

### A. Protection of older persons and persons with disabilities

21. The Director of DIPS presented document EC/58/SC/CRP.14 which examined the challenges that older persons and persons with disabilities face in accessing protection and assistance in displacement situations. He highlighted the need for an inclusive and empowering approach in protection and programme design, together with a change in the way in which those who provide protection and assistance perceive older persons and persons with disabilities.

22. Delegations welcomed the paper on this topic, notably its emphasis on participatory assessments; registration and identification; a rights and community-based approach; sensitization and training of staff; and on partnership with States and with specialized organizations. However, several delegations cautioned against a duplication of tools and response activities. It was agreed that this paper was a first step and could be improved in its framework and scope, and a number of delegations would welcome a future ExCom conclusion on this topic. Other suggested areas for improvement were to strengthen the link between international law and humanitarian rights, and to include resettlement and livelihood support.

### B. Health, nutrition and HIV/AIDS – new strategies

23. The Director of the Division of Operational Services presented the strategies of the newly created Public Health and HIV Section, as contained in conference room paper EC/58/SC/CRP.15. The objectives of these strategies were to improve the overall health, nutrition and HIV status of people of concern to UNHCR. The Director referred to the additional funds made available by the High Commissioner for projects on health, nutrition and the prevention of sexual and gender-based violence, and also to a new Health Information System with data management tools which had given the Office a better picture of the health situation of its beneficiaries. In these areas, UNHCR had cemented partnerships with non-governmental organizations (NGOs) and other institutions. Targeted support from several donors had enabled the Office to increase the number of specialized staff to do more in the field of health, nutrition and HIV/AIDS.

24. Delegations expressed their support for the new unit, while emphasizing the need for partnership with specialized agencies, NGOs or other institutions. Delegations encouraged UNHCR to pay particular attention to the threats of avian and human influenza; malaria; food security; and malnutrition.

### C. HIV/AIDS and refugees/internally displaced persons

25. The Director of the Division of Operational Services gave an update on UNHCR's programmes for refugees and IDPs, as contained in conference room paper EC/58/SC/CRP.16. He stressed that HIV/AIDS was not solely a health issue but also a core protection concern.

26. Many delegations expressed their support for the Office's activities in this area. One delegation drew attention to the costs and the impact on national health systems of caring for people with HIV and AIDS, and welcomed the complementarity of UNHCR's efforts. Other delegations supported UNHCR's leadership in the UNAIDS Division of Labour for displaced people; some were concerned nevertheless that resources for refugees might be diverted to IDPs.

## VI. COORDINATION

### A. UNHCR's role in support of an enhanced humanitarian response to situations of internal displacement

27. The Assistant High Commissioner for Operations addressed the topic of UNHCR's role in the inter-agency response to situations of internal displacement. The policy framework and implementation strategy, contained in paper EC/58/SC/CRP.18, had been fine-tuned and finalized in light of concerns and issues raised by delegations during several informal consultative meetings. The Assistant High Commissioner announced that a report on UNHCR's real-time evaluations of several IDP operations would be presented at the 40<sup>th</sup> meeting of the Standing Committee.

28. Overall, delegations were supportive of UNHCR's cluster lead role for conflict-related IDPs and appreciated the transparent and consultative process that had taken place on defining this role. Some, however, insisted that IDPs fell under the responsibility of the State concerned and that UNHCR's role was complementary to existing structures. Delegations did not exclude the possibility of UNHCR also playing a role in natural disasters or early recovery, but cautioned against possible over-extension of its mandate and response capacity. For several delegations, burden sharing and the creation of synergies remained important considerations. UNHCR was commended for having engaged in detailed consultations with ExCom members, however some delegations would welcome a strategy on resource allocation with greater clarification on the financing of refugee and IDP activities. Some delegations recommended a more gradual approach to the roll-out of the cluster approach.

29. Further information was requested on a number of issues, notably: on the "provider of last resort" responsibility; on UNHCR's exit or disengagement strategy; on training offered to staff working in clusterized IDP situations; on plans for mainstreaming IDP operations into the regular programme budget; on future staffing arrangements to avoid "over-reliance on short-term staffing"; and on standards and profiling in respect of these operations.

30. In addition to responding to specific questions, the Assistant High Commissioner for Operations provided information on the different training initiatives relating to cluster leadership responsibilities. On the question of exit strategies, she briefed on the current status of UNHCR's deliberations with regard to durable solutions, acknowledging the need for all stakeholders to work to achieve progress with regard to early recovery.

31. The Assistant High Commissioner for Protection reiterated that UNHCR's work on behalf of IDPs would not have a negative impact on refugee protection; indeed, in a number of contexts, UNHCR's involvement in assisting and protecting IDPs could have positive repercussions for refugee protection.

32. The Director of DIPS noted the concerns of some delegations over the performance of the protection cluster. He acknowledged problems, for example with protection delivery in the Chad operation which had also been affected by a broader range of challenges and had not been "clusterized" at the time. However, he also reported on more positive feedback from some field situations and the pursuit of efforts by the Global Protection Cluster to progress towards improved operational support to the Field.

B. UNHCR's oral update to the 2007 Substantive Session  
of the Economic and Social Council

33. The Head of the Inter-Organization Desk presented an overview of the elements which UNHCR would present in an oral update to the Economic and Social Council (ECOSOC) in July 2007 on the coordination aspects of the work of the Office.

VII. PROGRAMME BUDGETS AND FUNDING

A. An update on programme budgets and funding, including preliminary consideration of the  
Biennial Programme Budget for 2008 and 2009

34. Introducing this agenda item, the Deputy High Commissioner outlined the main issues on which he intended to focus initially in his new position, in addition to the implementation of the outposting component of the structural and management change process. The Controller then reviewed the 2006 financial situation and the 2007 position to date, and commented on the 2008/2009 budget proposals, as contained in document EC/58/SC/CRP.10. The Head of the Donor Relations and Resource Mobilization Service (DRRMS) also referred to the funding aspects of the 2007 financial year, and projections for 2008-2009.

35. Many delegations welcomed UNHCR's efforts to increase efficiency and transparency and several commended the progress towards developing a new budget structure and looked forward to a related presentation in due course. Areas flagged for improved financial and budgetary reporting included: further analysis on carry-over amounts; further details on operational forecasts and expenditure; information on total needs and a clearer presentation of unmet needs; explanation of the low implementation rates; and the estimated ratio between administrative support costs and operational costs. There was also a question as to whether contributions from the Central Emergency Response Fund (CERF) risked diverting funds from the programme budget.

36. In his responses, the Controller took note of the request for increased analysis in the future and confirmed that the new programme structure would facilitate results-based management (RBM) reporting. He explained that the implementation rate under the Annual Programme Budget was not unduly low in comparison to previous years, given the seasonal fluctuations. The Supplementary Programme Budgets, however, reflected the late arrival of funds. On the question of the CERF, the Head of DRRMS advised that to date, there had been no evidence of funds being diverted from regular contributions to UNHCR.

37. The draft decision presented in EC/58/SC/CRP.10 was adopted after amendment (see Annex I).

#### B. The Global Report on activities in 2006

38. The Head of DRRMS presented UNHCR's Global Report for 2006, highlighting changes from previous reports, including reporting on progress towards the Global Strategic Objectives and new chapters on statelessness, emergency response and internally displaced persons. Financial information included improved trend analysis.

39. Several delegations commended the quality of the report, particularly the improved presentation of achievements, results and trends. However, there were calls for the inclusion of more measurable performance targets and results reporting, as well as for gender/age disaggregated data in future Global Reports. More information was requested on the methodology used to calculate the substantial increase in the population of concern, and on the likely implications of this on programmes and budgets.

40. In her responses, the Head of DRRMS noted that better articulated objectives in 2007 should in turn allow for better reporting on results, and referred delegations to the Office's Global Statistical Trends publication which provided more specific information on the methodology of assessing the numbers of people of concern.

### VIII. REGIONAL ACTIVITIES AND GLOBAL PROGRAMMES

#### A. Staff safety and security issues, including refugee security

41. In his presentation, the Director of the Division of Operational Services (DOS) spoke of the Office's continuing efforts to implement the recommendations of its Security Policy and to address new initiatives in support of the security of beneficiaries, as well as other security-related activities. He outlined a number of key challenges and examples of follow-up action, as contained in document EC/58/SC/CRP.13.

42. Several delegations expressed support for UNHCR's efforts to operationalize and seek ways to increase security and safety, stressing the importance of the issue. There were a number of requests for further information, notably on: ongoing discussions between UNHCR and the United Nations Department of Safety and Security (UNDSS) on security assets in crisis situations; steps being taken to balance staff safety with the need to meet operational requirements; the implications of remote management, in particular for local staff; the security of beneficiaries; and an update on the security measures which UNHCR extended to partners.



43. In his responses, the Director of DOS commented that the main difficulties with security management were related to the availability of financial resources and welcomed the indications that certain countries were ready to consider a centralized funding mechanism. However, he recalled that the Office's dilemma lay in trying to cover its own needs while having to contribute financially to the constantly increasing requirements of UNDSS' system-wide activities. A joint review of security mechanisms in the Field by the World Food Programme (WFP) and UNHCR, drawing attention to some of the challenges experienced during the Lebanese situation in 2006, had been well received by all agencies concerned, and had prompted UNDSS and the Inter-Agency Security Management Network (IASMN) to seek more innovative ways of ensuring access and delivery of protection and assistance in certain contexts. The Chief of the Field Safety Section provided an update on efforts to assist partners in carrying out their work, including a decision by the IASMN and the Emergency Relief Coordinator, as well as by UNDSS to share information uniformly with NGOs, making available security training and providing briefings.

#### MANAGEMENT, FINANCIAL CONTROL, ADMINISTRATIVE OVERSIGHT AND HUMAN RESOURCES

##### A. Proposals for revision of the Financial Rules, including changes required by the biennialization of the Programme Budget

44. The Controller introduced document EC58/SC/CRP.17, which included a proposal for a revision to UNHCR's Financial Rules. The draft decision presented to the Committee on this proposal was adopted (see Annex II).

##### B. UNHCR's structural and management change process

45. The Director for Structural and Management Change updated the Committee on UNHCR's structural and management change process.

46. A large number of delegations expressed their continued strong support for the current reform process, and their appreciation for the transparent and consultative manner in which this was being conducted. The Committee asked to be kept informed of decisions taken.

47. Many delegations welcomed the decision on outposting and several expressed satisfaction with the choice of Budapest, although one delegation regretted that alternatives to outposting had not been more fully examined by the feasibility study, queried the level of savings that would be yielded by relocating services to Budapest, and expressed concern about the impact on Geneva-based staff. Other delegations also acknowledged the difficulties faced by staff affected by the reforms and encouraged management to put in place appropriate mitigation measures.

48. In response to the interventions, the Director for Structural and Management Change and the Deputy High Commissioner thanked delegations for their support and pledged to keep Executive Committee members fully informed as the different components of the reform process evolved.

### C. Statement by the Staff Council

49. The Vice-Chairperson of the Staff Council delivered a statement on behalf of UNHCR staff on the implications of the decision to relocate part of the Headquarters structure from Geneva to Budapest. While reiterating the staff's commitment to reform, the Staff Council representative maintained that staff views on reform had been disregarded and that the decision on outposting had been taken unilaterally. The Staff Council challenged the rationale that outposting to Budapest would bring administrative services closer to the operations and achieve financial gains on the long run. Furthermore, there were considerable risks related to the loss of experienced staff in important oversight functions in financial management and human resources.

## X. GOVERNANCE

50. A number of topics were proposed for inclusion in the High Commissioner's opening statement at the 58<sup>th</sup> plenary session of the Executive Committee. These have been conveyed to the High Commissioner for his consideration.

## XI. ANY OTHER BUSINESS

51. There being no other business, the Vice-Chairman declared the 39<sup>th</sup> meeting of the Standing Committee closed.

Annex I

DECISION ON OVERALL PROGRAMME BUDGETS  
AND FUNDING FOR 2007

*The Standing Committee,*

*Recalling* the Executive Committee's decision at its fifty-seventh session on administrative, financial and programme matters (A/AC.96/1035, para. 19) as well as its discussions under the programme budgets and funding item at the thirty-eighth meeting of the Standing Committee,

*Also recalling* its decision at its thirty-eighth meeting which called for further consultations between UNHCR and the Standing Committee to discuss the criteria for the inclusion of refugee or refugee-related Supplementary Programme Budgets into the Annual/Biennial Programme Budget, with a view to taking a decision on this at the thirty-ninth meeting of the Standing Committee,

*Noting* that the discussion of the above-mentioned criteria is linked to the new budget structure being developed by UNHCR and that this linkage has made it impossible for the consultations to come to a conclusion in time to resolve this issue at the thirty-ninth meeting of the Standing Committee,

*Reaffirming* the importance of international burden and responsibility-sharing in reducing the burden on countries hosting refugees, especially developing ones,

1. *Notes* that UNHCR's needs under its Annual Programme for 2007, based on currently known requirements, amount to \$1,042.9 million, as approved by the Executive Committee at its fifty-seventh session (which included \$34.4 million from the United Nations Regular Budget and \$10.0 million for Junior Professional Officers);
2. *Notes* that the 2007 Supplementary Programme Budgets currently amount to \$289.3 million, including \$81.2 million for programmes benefiting internally displaced persons (IDPs);
3. *Recognizes* that emergencies and unforeseen activities unfolding in 2007 may result in the need for additional or expanded Supplementary Programmes and that additional resources, over and above those for existing budgets, would be needed to meet such needs;
4. *Notes* that taking into account \$653.3 million received in contributions as at 31 May towards the Annual Programme Budget and the carry-over from 2006 of \$65.6 million, over \$300 million are still needed to meet the approved budgetary requirements;

5. *Urges* Member States, in the light of the extensive needs to be addressed by the Office of the High Commissioner, to continue to respond generously and in a spirit of solidarity, and in a timely manner, to his appeal for resources to meet in full the approved 2007 Annual Programme Budget, as well as the requirements of the 2007 Supplementary Programme Budgets;

6. *Calls* for further consultation between UNHCR and the Standing Committee on the proposed new budget structure and the nature and the criteria to be used for the inclusion of Supplementary Programme Budgets in the Annual/Biennial Programme Budget prior to taking a decision on these matters.

Annex II

DECISION ON PROPOSALS FOR REVISION OF THE FINANCIAL RULES,  
INCLUDING CHANGES REQUIRED BY  
THE BIENNIALIZATION OF THE PROGRAMME BUDGET

*The Standing Committee,*

*Having* considered the proposed revisions of the Financial Rules for Voluntary Funds Administered by the High Commissioner for Refugees, as set out in Annex I of conference room paper EC/58/SC/CRP.17,

*Requests* the High Commissioner to seek the comments of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on the proposed revisions prior to submitting a final draft to the fifty-eighth session of the Executive Committee for endorsement by the Executive Committee and subsequent promulgation by the High Commissioner with effect from 5 October 2007.

Annex III

LIST OF POINTS  
FOR FOLLOW-UP ACTION

1. Deferral of the adoption of the report of the thirty-eighth meeting of the Standing Committee to the September Standing Committee, pending the amendment of paragraph 51 of the draft report;
2. Calls for the High Commissioner's "Forum" on protection challenges to take place before the end of the year; for more detailed documentation and consultation on the 10-Point Plan of Action; and for clarification on the objectives and role of such a forum for discussion, including its links with the Executive Committee;
3. Request for an update on real-time evaluations on IDPs at the September Standing Committee;
4. Calls for more information and further clarification of the notion of "provider of last resort" in the inter-agency protection cluster;
5. Requests for updated analyses of protracted situations;
6. Further explanation of methodology used to calculate increases in numbers of populations of concern to UNHCR;
7. Briefing for delegations on cost details concerning outposting to Budapest.

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