



# General Assembly

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## Executive Committee of the Programme of the United Nations High Commissioner for Refugees Fifty-ninth session

### Summary record of the 623rd meeting (closed)

Held at the Palais des Nations, Geneva, on Wednesday, 8 October 2008, at 3 p.m.

*Chairperson: Mr. VAN EENENNAAM* .....(Netherlands)

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*The meeting was called to order at 3.10 p.m.*

**General Debate (Agenda item 4) (continued)**

1. **The CHAIRMAN**, resuming the general debate, said that it had lived up to expectations in terms of both substance and quality. In his introductory remarks, the High Commissioner had reviewed the commitments entered into at the fifty-eighth session. Significant progress had been achieved in many areas, including protection, durable solutions, the structure and management of UNHCR, United Nations reform, staff matters and dialogue and cooperation with States. A number of basic issues had also been raised, including the international community's response to the growing scale and complex nature of forced displacements, the appropriateness of the legal and regulatory framework in force, the relevance of the traditional principles of humanitarian action and how they linked in with new concepts such as human security and protective responsibility. The guest speaker had added to what the High Commissioner's remarks by emphasizing the importance of cooperation which, if it were to be more effective, had to be founded on genuine respect for certain basic principles and increasingly better coordination mechanisms.

2. The participants had pointed out that the 1951 Convention relating to the Status of Refugees and the 1967 Additional Protocol formed the basis for UNHCR's activity, and that protection remained the focus of its mandate. Many delegations had also pointed out that access to victims and the security of humanitarian staff were vital to enable UNHCR to discharge its mandate. Some had stressed the close links between human rights, human security and refugee situations, or indeed the importance of observing a policy of neutrality in relation to humanitarian assistance. The participants had also drawn attention to the needs of vulnerable groups and the need to take account of considerations linked to age, gender and diversity, and, in particular, to find a solution to sexual and gender-based violence. They had emphasized the need to encourage durable solutions and the fact that, while voluntary repatriation was often the preferred solution, resettlement and integration in situ also had their place and were meeting with encouraging success, like the Mexico Action Plan initiatives. At the same time, some countries were bearing a very heavy burden, and there was a need for still greater international solidarity and responsibility-sharing.

3. Participants had frequently shared the High Commissioner's view of the increasingly complex nature of forced displacements. To resolve these problems, UNHCR had to rely on partnerships with other actors (the United Nations system, the Red Cross/Red Crescent Movement, development actors, regional agencies, NGOs, the private sector, States and so on). Many delegations had also described the various ways in which their countries cooperated with UNHCR. Mixed migration flows were one of the most complex aspects of the displacement issue. Several delegations had voiced their approval of UNHCR's strategy in relation to this problem. Others were concerned about the problem of trafficking in persons or the complex issue of urban refugees, to which UNHCR needed to devote greater attention.

4. The efforts to reform UNHCR, whether within the organization itself or in the context of the United Nations system, had been widely endorsed, in relation, for example, to the role of UNHCR in the "Delivering as One" initiative or the cluster approach, or the development of the structural and management reforms, including decentralization and regionalization, results-based management and the Global Needs Assessment initiative. The reform process could, of course, be difficult for the staff, but being more effective as a result, UNHCR would be better able to meet the needs of its beneficiaries.

5. Several useful initiatives to improve communication between actors had been welcomed, including the forthcoming Kabul International Conference on return and reintegration, the forthcoming Dialogue on international protection on the subject of

protracted refugee situations and the African Union summit on refugees, returnees and internally displaced persons in Africa, which was to take place in April 2009. Many delegations had also expressed their gratitude for the High Commissioner's visits and the dialogue he maintained with different countries.

#### **Any other business (Agenda item 10)**

##### **UNHCR staff awards**

6. **Mr. JOHNSTONE** (United Nations Deputy High Commissioner for Refugees) paid tribute to all of the men and women working for or alongside refugees and displaced persons, sometimes in very difficult conditions where danger and violence were ever present, and their devotion to others and selflessness sometimes cost them their lives. He asked participants to stand and observe a minute's silence out of respect for the women and men who had lost their lives serving the causes UNHCR defended.

7. The meeting rose and observed a minute's silence.

8. **Mr. JOHNSTONE** (United Nations Assistant High Commissioner for Refugees) announced the awards to UNHCR staff.

##### **Consideration of reports on the work of the standing committee (Agenda item 5)**

(a) International protection (A/AC.96/1048, 1052, 1053, 1060 and 1062; draft General Conclusion on International Protection, and draft decision on possible ways of improving the identification of subjects for the Executive Committee's conclusions on international protection, and the process of preparing, drafting and finalizing conclusions (unclassified documents, distributed at the meeting))

9. **Ms. FELLER** (Assistant High Commissioner for Protection) said that UNHCR's protective mandate had a real impact on the lives of the persons affected. The High Commissioner's authority and UNHCR's powerful protective presence, comprising 6,300 staff in 120 countries, was not to be underestimated; but it was equally important that there should be functioning asylum systems, and that international law on refugees should be globally respected and applied and underpinned by national legislation. UNHCR's protection activities were designed to promote fair and responsive national protection systems, an effective and well-funded international protection framework and solutions that were appropriate and available on a responsibility-sharing basis.

10. The Note on International Protection (A/AC.96/1053) looked at how protection problems had been encountered and addressed by States, UNHCR and partners, during the preceding 12 months. Since human rights constituted the framework of reference for protection, the analysis was placed in the context of the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights which enshrined, among others, the right to seek and enjoy asylum in other countries, the right to leave and return to one's country and the right to nationality. The Note reported many positive developments in so far as many States had honoured their responsibility to provide asylum and protection. That aspect was emphasized when the Note was first introduced to the June Standing Committee, and the High Commissioner had also alluded to it in his introductory remarks.

11. There were, however, a disturbing number of refugees who did not exercise the rights which refugee law formally guaranteed them. UNHCR was not able to discharge its protective mandate in many regions of the world where there was a refusal to recognize asylum as a non-political and humanitarian act and it was viewed solely from the security angle. There had been many cases of forced return or refoulement, linked to the refusal to accord certain groups access to existing asylum procedures. UNHCR had been confronted with some very difficult issues which merited thorough consideration by the Executive

Committee: when, for example, assurances of safety given by governments could be considered sufficiently reliable to proceed with the return of asylum-seekers; or when induced return could be considered to meet the criterion of voluntariness. Moreover, racism and exclusion seemed to be on the rise. There was a resurgence of xenophobia in countries with an otherwise solid reputation for assisting refugees and asylum-seekers. Intolerance surfaced, for instance, in border control measures, refugee status decisions, resettlement and integration programmes or the approach taken in asylum policies. More subtly, intolerance took the form of laws which criminalized certain types of immigrants, including asylum-seekers who had arrived irregularly and were deported before they had exercised their right to complete the process of applying for asylum.

12. Protection developed differently according to region. The Common European Asylum System, involving 27 countries, was an unprecedented initiative that had been welcomed by UNHCR. In that connection, UNHCR looked forward to playing an active role in relation to the proposed European Asylum Support Office. In Africa, UNHCR was having to adjust its programmes to the increasing numbers of urban refugees. Host States too needed to review their asylum arrangements. One problem was the failure to integrate asylum laws and structures into the national legal order and the mismatch with immigration laws and administrative and constitutional frameworks. In other parts of the world, it was the total absence of a framework that was a problem. In the Middle East and North Africa, only seven States had ratified the 1951 Convention and the 1967 Protocol. The measures that these States had taken to develop their asylum systems had often been limited, despite a strong and deeply-rooted tradition of hospitality. In Asia, some countries remained reluctant to make the necessary distinctions between refugee arrivals and irregular entrants, fearing that proper asylum procedures could act as a magnet and be too expensive to run. Consequently, the protection environment in Central Asia had significantly deteriorated. In many countries in South Asia, refugees had no official status, and governments preferred to rely primarily on UNHCR to determine refugee status, assist refugees and identify solutions for them.

13. UNHCR did not down play the problem of disentangling refugee and migration issues, which remained as acute as ever and affected maritime, land and air borders. In that connection, the Executive Committee really needed to return to the issue of rescuing refugees at sea, if only to make the point that the ocean was a place where, like everywhere else, people got into serious difficulty and needed assistance. The safeguards that generally existed at land and air borders were more often than not absent at maritime borders. The – offshore – search and rescue zones were increasing taken as the point of reference to determine the country of first asylum, to the detriment of the more traditional criterion of flag State and coastal State responsibilities. Some guidelines from the Committee could be valuable here.

14. The problem of secondary movement also called for clarification. Refugees were not, formally speaking, required to apply for asylum in one country rather than another, and were not acting unlawfully when they asked for asylum in a country which had not authorized their entry, but UNHCR accepted the need to combat the smuggling and trafficking of human beings, as well as to reduce the pull factors that distorted asylum burdens and responsibility-sharing. UNHCR was reviewing its own procedures in cases when secondary movement was merely a matter of personal convenience and not justified by protective concerns. That could lead to changes in its approach to refugee status determination, resettlement processes and the level of assistance made available. However, there would still be cases, and probably many cases, in which secondary movement was justified, and it would be necessary to identify more clearly those cases in which protection requirements applied, as well as what constituted valid reasons for not having sought protection in the first country of asylum.

15. Over the past few months, UNHCR had been reviewing reports provided by States on their implementation of the Agenda for Protection. Although, during the five years since the Agenda's adoption, UNHCR had reported annually on how it had fulfilled its responsibilities, it had not always been easy to obtain an overview of others' activities. UNHCR had recently tried to systematize the process, and 42 States had so far submitted reports, both signatories and also non-signatories to the 1951 Convention. A brief overview of responses had been circulated. UNHCR wished that States would demonstrate the same enthusiasm in reporting on their application of the Executive Committee's Conclusions. A report prepared in 2008 by an independent consultant, at the Committee's request but, unfortunately, not formally considered by it, had confirmed the value of the Conclusions and recommended their more active dissemination and use by States. The Committee could perhaps reflect further on how to establish real cooperation between States and UNHCR in implementing the Conclusions.

16. As regards the need for a functioning and properly funded global protection framework, UNHCR recognized that in fulfilling their obligations under the Convention, States had to reconcile many interests, including the security of their populations, the integrity of their borders, protection of the environment and the country's prosperity. However, these interests were harmed if the international protection regime was not applied, as frequently happened. With 150 signatories, the universality of framework formed by the 1951 Convention and 1967 Protocol was a reality, and those contracting States which failed to respect their obligations harmed the interests of States that took theirs seriously. Failure to apply the protection regime distorted burden-sharing, provoked secondary movements and complicated the allocation of responsibilities, at the same time making UNHCR less able to assist host States and be their protection partner.

17. Funding protection had always been a challenge, and it was difficult to persuade donors that prioritizing protection was not only a necessary investment but one that brought dividends. Nonetheless some donors funded protection activities. For example, UNHCR was currently implementing a two-year project, based on the 10-Point Plan of Action, thanks to funding from the European Commission. Similarly, activities designed to strengthen protection capacity in host States had attracted over \$13 million from nine donors and private sector contributions. The United States Government had recently given a grant of nearly \$500,000 to enhance the capacity of UNHCR and partner agencies in regard to best interest determination for child refugees.

18. Areas in which UNHCR could improve its performance included advocacy and promoting the rights of stateless persons falling under its responsibility. The first obstacle encountered in most countries was a lack of knowledge about the extent of the problem, and UNHCR had, therefore, long supported measures designed to evaluate the scale of the problem of statelessness. That being the case, Ms. Feller again called on the States to accede to the 1954 and 1961 Conventions on statelessness, and welcomed the fact that Austria and Finland had been the latest States to become party to one or other of them. The rule of law was an objective to which UNHCR was committed, and the planned initiatives in that area were heavily dependent on partnerships. In that regard, Ms. Feller vested great hope in the creation of legal aid coordination centres in cooperation with the Department of Peacekeeping Operations. Along with other United Nations partner agencies, UNHCR had recently signed up to a package of measures to promote the implementation of the United Nations Convention on the Rights of Persons with Disabilities. It was also developing a partnership with the Committee on the Elimination of Discrimination against Women.

19. As regards the third area for action on protection, namely solutions in the context of burden-sharing, UNHCR had, on several occasions, tried to establish general benchmarks to regulate the issue. Despite this, burdens and responsibilities were inevitably unfairly

spread, with the majority of refugees located in countries that lacked the resources to meet their needs. The 1951 Convention was predicated on the concept of international solidarity and the principle that States should address refugee problems collectively, sharing responsibilities in an equitable manner. However, the system functioned precariously, and promises of funding and cooperation could hardly be relied upon, as demonstrated by the number of protracted refugee situations affecting more than five million people at present. The different UNHCR bureaux were now working on the measures they would be pursuing to achieve the objectives of the High Commissioner's initiative on protracted refugee situations, which would form part of the next Dialogue on International Protection in December 2008.

20. Burden-sharing would benefit from a concerted analysis of how the granting of asylum was evolving. Asylum was not in itself a solution but it provided indispensable protection en route to the solution. It was a key first response to ensuring protection and creating the humanitarian space that made it possible to arrive at solutions. However, it had now become clear that asylum was one of a range of possible responses to a number of increasingly varied situations that did not match a single rigid paradigm. It would be useful to consider when and how asylum could be the right response to displacement resulting from climate change or natural or economic disaster.

21. In conclusion, Ms. Feller pointed out, in regard to the real position of refugees, that what was needed was less speculation and a greater presence on the ground to understand the refugee experience and the importance of protection in that context. She had recently visited Serbia and Croatia in connection with the High Commissioner's protracted situation initiative. The challenge for the remaining refugees in those countries was to get back on their feet in a sustainable way, after more than a decade living in makeshift accommodation. For many people waiting to resume normal life, it was the protection provided by the States concerned, with UNHCR support, that was able to bring them the security and dignity they needed.

22. **Ms. MAHAWAR** (India) wished to clarify her delegation's position on paragraph (d) of the draft General Conclusions on International Protection which had been referred to the Executive Committee for consideration and adoption. The terms employed in paragraph (d) were based on the conclusions concerning the international protection of refugees adopted by the Executive Committee at its thirty-fifth session in 1984, and on the conclusions on military or armed attacks on refugee camps, adopted by the Executive Committee at its thirty-eighth session, in 1987. India had become a member of the Executive Committee in 1995. The Indian delegation had proposed amendments to paragraph (d) of the section on general concerns relating to international protection. The amendments were designed to stress the importance of UNHCR's requests to the States concerned to ensure access to assistance. The Indian delegation noted that there was no automatic procedure to secure UNHCR access to provide the necessary humanitarian assistance. That said, the proposed amendments did not imply any diminution in the States' responsibility to help UNHCR fulfil its mandate. Since it had not been possible to take account of the proposed amendments, the Indian delegation asked the Executive Committee to take due note of its opinion and include it in its report.

23. **Mr. HUGHES** (Australia) said that the failure to respect the principles set out in the Universal Declaration of Human Rights was the main cause of most forced migration and protection issues. Australia attached great importance to the High Commissioner's efforts to resolve the problems linked to protracted refugee situations. In the Asia-Pacific region, UNHCR had tried to find solutions for Bhutanese and Burmese refugees in protracted situations, and Australia continued strongly to support these efforts by providing resettlement places and by other means. As regards the situation of Burmese refugees in Thailand, during the last 12 months, more than 10,000 Burmese refugees had left Thailand

under a UNHCR resettlement programme. Two thousand eight-hundred of them were resettled in Australia. Australia welcomed the undertaking on the part of the Nepalese Government to facilitate the third country resettlement of Bhutanese refugees. In 2008, Australia had taken in 130 Bhutanese refugees and planned to accept more in the future. It was also important to maintain a focus on improving the living conditions of persons in protracted refugee situations, particularly by allowing them to engage in gainful activity.

24. The Executive Committee's conclusions played an important part in filling gaps in the international protection of refugees. Australia welcomed UNHCR's efforts to support States in managing the challenges linked to the protection of those in need within mixed migratory movements, which were still further complicated by the problem of human trafficking. Civil society played a vital part in the international protection of refugees, as demonstrated by the contribution of the University of New South Wales (Australia) Centre for Refugee Research to efforts to monitor and support implementation of the conclusions on women and girls at risk. Mr. Hughes also acknowledged the contribution of Mr. Thomson, of the Australian National Council of Churches, for his work in bringing together the views of NGOs from different regions of the world on protection issues and presenting them to the Executive Committee in the annual NGO statement.

25. **Mr. HUSLER** (Switzerland) said that Switzerland supported UNHCR in the exercise of its international protection mandate and, in particular, the issue of mixed migration flows. Recognizing that this was a sensitive question, Switzerland wished to reiterate its firm commitment to one of the fundamental principles of the right of asylum, namely non-refoulement. For this reason, it fully supported UNHCR in drawing attention to the importance of the 10-Point Action Plan. It hoped that the plan, which enabled persons in need of protection to gain access to an asylum procedure, would have the full cooperation of the key players: States and regional and international organizations. Switzerland would continue to invest in the Strengthening Protection Capacity Project, via a human-rights-based approach, to improve the regulatory framework and strengthen the protection capacity of communities and States. An initial project had been set up in Kenya, and Switzerland envisaged funding another in 2008.

26. As regards protracted refugee situations, Switzerland had often expressed its approval for the resettlement of refugees on a case-by-case basis, as it had done in the spring of 2008, in response to a request from UNHCR, in the case of a group of Iraqi refugees. On that point, the Third Bern Asylum Symposium would be taking place on 21 and 22 January 2009, with UNHCR participation. In regard to stateless persons, 15 million such individuals remained in need of assistance throughout the world. The Swiss delegation supported UNHCR's efforts to secure greater commitment on the part of the international community to accord recognition to stateless persons. Finally, the Swiss delegation pointed out that the problem of people forced to move because of climate change could get worse. It intended incorporating the various aspects and the impact of climate change into the relevant aspects of its policy, particularly its humanitarian assistance and development activities.

27. **Ms. AUCOIN** (Canada) said that, in 2007, Canada had provided protection to 28,000 people, including more than 11,000 resettled refugees and 11,700 people who had sought asylum in Canada. She wished to emphasize two protection challenges for the year ahead. First, it was necessary to intensify efforts to find durable solutions, notably for refugees in protracted situations. Secondly, it was necessary to reinforce further the capacity of the protection cluster to meet the protection needs of persons affected by conflicts, including internally displaced persons.

28. As regards refugees in protracted situations, Canada urged UNHCR to develop strategic action plans for each protracted situation, beginning with the five situations already identified. Canada welcomed Tanzania's decision to promote local integration for

Burundian refugees, displaced since 1972, as well as the progress made for Bhutanese refugees in Nepal. In the case of conflict-affected persons, including internally displaced persons, Canada recognized the important leadership role UNHCR had assumed, under the cluster coordination approach, to respond to their protection needs. In addition, clarification of the number of persons of concern to UNHCR was crucial for prioritization and resource allocation. Canada urged UNHCR to develop clear statistics to help differentiate between those internally displaced persons in regard to whom UNHCR acted as coordinator and those for whom it was the “provider of last resort”.

29. **Mr. THIRD** (New Zealand) said that New Zealand continued to support UNHCR’s resettlement activities which were designed to help persons in need become resettled and begin a new life in other countries. It commended UNHCR on its efforts to increase the number of resettlement countries, and hoped to continue to assist in enhancing resettlement capacity, including by sharing its resettlement experience and knowledge with the new resettlement countries. In regard to protracted refugee situations, New Zealand supported UNHCR’s role in identifying resettlement priorities, given its expertise and overview of the global refugee situation. New Zealand had accepted refugees for resettlement from three of the five protracted refugee situations identified by UNHCR. It had also provided UNHCR with New Zealand \$1 million for emergency aid for the victims of Pakistan’s floods in 2007-2008. Since March 2007, it had accepted 128 Bhutanese refugees for resettlement and was planning to resettle a further 120 to 140 Bhutanese refugees in 2008.

30. **Ms. POLLACK** (United States of America) commended UNHCR on its publication of the Handbook for the Protection of IDPs, the Handbook for the Protection of Women and Girls and the Guidelines on Determining the Best Interests of the Child. She welcomed the increasing efforts Member States were making, with UNHCR support, to register refugees, conduct refugee status determinations and improve asylum procedures. In that regard, Ecuador’s decision to introduce a programme of amplified registration for Colombian refugees and the passing of Serbia’s asylum law were encouraging. She paid tribute to Member States such as the United Republic of Tanzania, Ecuador, Nigeria and Pakistan which were working towards the local integration of long-stay refugees, and hoped that other countries would follow their example. She urged the new Governments of Bhutan and Nepal to resume bilateral negotiations to facilitate the voluntary return of refugees to Bhutan.

31. Ms. Pollack wished to encourage UNHCR to work closely with the International Organization for Migration, Member States and other concerned international organizations and NGOs to advance the protection agenda in the context of the management of internal migration flows. She welcomed the fact that the High Commissioner had accorded priority to protracted refugee situations and that a dialogue was to be held on the issue. The United States was committed to its own resettlement programme and to providing international humanitarian assistance to those unable to return home. Refugees often had skills that benefited host communities and countries. The whole of the international community needed to mobilize to improve the self-reliance of refugees.

32. Ms. Pollack was concerned that countries were failing to respect the principle of non-refoulement and denying UNHCR access to asylum-seekers. She called on all States to refrain from deporting migrants and asylum-seekers without first assessing their requests for protection. She urged Member States to redouble their efforts to ensure respect for the principle of non-refoulement and the physical security of asylum-seekers and refugees. She was concerned about attacks on refugees and internally displaced persons, as well as the rise in the number of attacks on humanitarian workers and peacekeepers. However, she welcomed the release of UNHCR’s representative in Somalia.

33. Ms. Pollack welcomed UNHCR’s growing efforts to guarantee the right to nationality, as well as the fact that it was integrating objectives relating to statelessness in



its operations on the ground and its training activities. She asked for information on the budgetary resources allocated to the problem of statelessness and urged the Member States to support this important aspect of UNHCR's mandate and redouble efforts to reduce cases of statelessness worldwide. Finally, she hoped that the institutional reform on which UNHCR had embarked would further enhance refugee protection.

34. Mr. **LEBEDEV** (Russian Federation) said that Russia had noted with great interest the Note on International Protection (A/AC.96/1053), in particular the new developments that had occurred since mid-2007 concerning the right to nationality and the right to seek asylum in other countries far from the site of persecution, and to be accorded asylum there. These issues were of crucial importance to the Russian Federation in the light of the recent crisis in the Caucasus. In that connection, Mr. Lebedev paid tribute to the professionalism and skill of UNHCR's staff, and commended the positive cooperation with the UNHCR's representative in the region. Since the start of the crisis, the Russian Federation had dealt with some 30,000 refugees, including 1,000 asylum-seekers from minority groups in Georgia. The population displacements were evidence of the deterioration in inter-ethnic relations in the region and the persecution some individuals had suffered. Against that background, the Russian Federation had undertaken to improve its resettlement programme, including by opening its labour market to persons recently settled in the country, and to modernize its legislation to speed up the procedures for acquiring nationality. The Russian Federation was concerned about the increase in the number of stateless persons in central Europe and, in particular, about the non-citizen status applied by Latvia and Estonia which prevented many people from obtaining identity papers, becoming naturalized and moving freely in the region.

35. Mr. **ISOMATA** (Japan) supported the proposal to take up the issue of protracted refugee situations in 2009. In a period of increasing instability, UNHCR's protection mandate was more essential than ever, as was assistance for refugees to return and become reintegrated as a means of achieving durable solutions. It was important to secure the continuity of assistance across humanitarian operations and development activities. He commended the work of UNHCR throughout the world and, in particular, the emergency operations in Georgia and Pakistan. Japan had supported the protection activities in Myanmar, Georgia and Pakistan, including through emergency grant assistance, and intended to continue to work with UNHCR to mitigate the suffering of people in need.

36. Mr. **RICON GAUTIER** (Venezuela) said that the National Refugee Commission, whose main task was to consider applications for refugee status, had organized training and advocacy activities for members of the police force who had daily dealings with people that crossed the border seeking the State's protection. Venezuela had also undertaken to send into the field teams tasked with providing emergency assistance to all those in need of it, and then determine who could claim refugee status. Venezuela considered that it was primarily the States' responsibility to protect the victims of trafficking and, on that basis, to ensure that victims were safely returned to their countries. Victims of trafficking who feared persecution in their countries of origin could apply to the National Refugee Commission for refugee status.

37. Any person applying for refugee status had the right to work in the national territory. Many companies had also stated their intention of hiring asylum-seekers and refugees, who were also able to open bank accounts to facilitate their social integration. In addition, persons who had applied for refugee status and declared themselves to be HIV-positive could obtain treatment free of charge from the public health bodies. As regards the right to nationality, article 18 of the regulation implementing the framework law on refugees authorized the acquisition of nationality by means of naturalization in conditions laid down by the constitution and the applicable legislation.

38. Venezuela considered that voluntary return, in safe and dignified conditions, was the ultimate durable solution, but that did not prevent it from working towards local integration also on the basis of various social and development policies. Venezuela was, however, aware that there was still much to be done, given the significant increase in numbers applying for refugee status.

39. **Ms. FELLER** (Assistant High Commissioner for Refugees) welcomed the measures Venezuela had taken to promote refugees' right to work. She supported the call from Switzerland's representative to strengthen application of the 10-Point Action Plan. She thanked the representative of the Russian Federation for paying tribute to the skills of UNHCR's staff and its representative in the Caucasus in particular. She welcome New Zealand's initiative to present a report on the measures taken at national level to protect refugees, and urged other countries to follow that example, as national reports were helpful to UNHCR. Ms. Feller noted that several delegations had expressed their interest in the Executive Committee's conclusions, which were seen as an excellent method of further enhancing the protection of refugees. She appreciated the tribute the representative of the United States had paid to humanitarian workers and obviously shared her concern over the attacks on humanitarian staff and refugees. She had taken note of the examples of good practice cited by several representatives, including the United Republic of Tanzania and Pakistan. The issue of statelessness appeared to be the subject of renewed interest among the delegations, who wished UNHCR to step up its assistance to stateless persons. Ms. Feller welcomed the fact that the Russian Federation had undertaken to update its legislation to make access to nationality easier and took note of the concern voiced by the Russian representative at the increasing number of non-citizens in central Europe.

40. **Ms. GRANDJEAN** (France) said that France wanted to make asylum a major priority for its presidency of the European Union, including through the adoption of a European pact on immigration and asylum. The European Union was at a turning point in the establishment of the Common European Asylum System, but European asylum policy needed to be improved still further, the aim being the further harmonization of Member States' policies to improve the quality of asylum systems, guarantee the protection of asylum-seekers and encourage solidarity both among Member States and with third States. At national level, France was a former resettlement country that was resuming the practice. It had set itself the target of accepting 500 vulnerable Iraqis between now and the end of 2008. So far, that process had resulted in more than 500 preliminary visa applications, half of them at the suggestion of UNHCR. Persons concerned by the process had begun to arrive in French territory, with about 300 actually entering so far. France was glad to be cooperating with UNHCR in this operation which demonstrated its willingness to share the burden of Iraqi refugees.

41. Violence against women, in all its forms, was a real scourge. Women refugees and internally displaced women often paid a very heavy price in situations of forced displacement. Violence inside and outside the camps was intolerable. To reinforce European Union action, France was proposing the adoption of new guidelines on combating violence against women, which would put the emphasis on implementing specific projects for the benefit of women, funded by the European Instrument for Democracy and Human Rights. In addition, a major conference would be taking place, on 10 October 2008, in Brussels, under the auspices of the French presidency of the European Union and UNIFEM, to identify positive ways of improving women's security.

42. Finally, France wished to voice its support for the Executive Committee's conclusions. Special thanks went to UNHCR for its review of the use of the conclusions, and France urged the members of the Executive Committee to begin negotiations on a thematic compilation of conclusions from 2009. It supported the proposal that the issue of protracted refugee situations be held back for the 2009 conclusions.

43. **Ms. DRAKENDERG** (Sweden) welcomed the General Conclusion on Protection and its reference to the protection of disabled persons and the vulnerability of women and children. Sweden was following with great interest the review and evaluation of the process of drawing up the conclusions on protection; it hoped that work on the subject would continue in a spirit of cooperation and that negotiations on the 2009 conclusions would begin as soon as possible. Sweden was also very much looking forward to the forthcoming dialogue on protracted refugee situations.

44. States without existing resettlement programmes should offer to accept refugees, and those with programmes should consider making more resettlement places available. Asylum and the protection of refugees was an absolute priority for Sweden. When it took over the presidency of the European Union in 2009, Sweden would spare no effort to bring forward the implementation of the Common European Asylum System. It was important not only to harmonize legislation and adopt common standards but also to establish how a person outside the European Union could access protection legally. Sweden intended to continue working closely with third countries in an effort to improve their protection systems. The creation of a common European resettlement programme was vital and would enable the European Union to show solidarity with countries hosting large numbers of refugees.

45. **Mr. VERSCHUUR** (Netherlands) welcomed the fact that this year's Note on International Protection had been structured in such a way as to show the link between refugee protection and human rights, and agreed that more States should assume their responsibilities in regard to determining refugee status, to enable UNHCR to concentrate its efforts – in terms of time, manpower and resources – to the most urgent and worrying situations. States were also urged to permit and facilitate the return of their nationals and to help them rebuild their lives. Dismayed at the high levels of sexual and gender-based violence, which mainly affected women and children, not just outside but also inside refugee camps and camps for internally displaced persons, the Netherlands considered that greater attention should be paid to these unsafe conditions and counted on the contribution of refugees themselves and on their self-reliance to resolve the problem and make living conditions in the camps more bearable.

46. Finally, the Netherlands undertook to participate actively in the forthcoming Dialogue on Protection Challenges, and wished for an update on the follow-up to the High Commissioner's 2007 Dialogue on mixed population movements, and the regional meeting organized on the subject in Sana'a. More particularly, the Netherlands strongly supported UNHCR's efforts to find a solution to the situation of the Bhutanese refugees in Nepal, welcomed the measures taken by the Nepalese Government for the resettlement of the refugees in third countries, including the Netherlands, and urged the Governments of Bhutan and Nepal to resume their bilateral discussions with a view to facilitating the voluntary return of the Bhutanese refugees.

47. **Mr. RASMUSSEN** (Denmark) pointed out that the situation of the refugees and internally displaced persons in Iraq continued to be one of the greatest challenges faced by the international community, and said that it was essential that UNHCR should issue guidance that was as precise, relevant and up to date as possible on the real international protection needs of the Iraqi asylum-seekers. Denmark also called on UNHCR to provide all necessary assistance to the neighbouring countries to enable them not only to host Iraqi refugees but also facilitate and possibly promote their voluntary repatriation, aside from the ongoing resettlement activities. He deplored the fact that migrants continued to risk their lives crossing the Mediterranean and, in that context, commended UNHCR's efforts to deal with this difficult situation, particularly by implementing the 10-Point Action Plan on refugee protection and mixed migration. The solution had to be to enhance the capacities

of the countries bordering the Mediterranean, in particular by equipping and preparing the authorities responsible for immigration and asylum.

48. **Mr. AL-ADOOFI** (Yemen) said that Yemen, which was keen to meet its international commitments and respect the traditions of good neighbourliness, had, since 1991, been assisting asylum-seekers fleeing the civil war in Somalia. The Yemeni authorities were endeavouring to provide more than 70,000 Somali refugees currently in Yemen with various types of assistance: they protected the refugees from human trafficking and the death rafts, helped them with the procedures for getting work and ensured that they enjoyed a number of rights, on an equal footing with Yemeni citizens. Yemen appreciated the assistance UNHCR had given it, but regretted the fact that the international community had not played its part, having neither helped Yemen ensure the protection of the ever increasing numbers of Somali refugees, nor sought political solutions to the problem of Somalia. Yemen would have wished to see the Note on International Protection include a reference to its many efforts to assist refugees.

49. **Mr. ARBLASH** (Sudan) said that Sudan was implementing various strategies to cope with the protracted presence of refugees in its territory. For instance, Sudan was encouraging voluntary return, which it considered to be the best solution where possible, was helping refugees to become self-reliant and facilitating resettlement procedures. In that connection, he urged the countries concerned to increase their quotas for the resettlement of long-stay refugees in Sudan, and called on the international community to pay greater attention to the significant problems that the mixed migration flows heading for Europe caused Sudan, and to the root causes of those flows, as part of the process of sharing responsibility for international protection.

50. **Mr. FELTEN** (Germany) welcomed the approach taken in the Note on International Protection to the effect that the international protection of refugees and the principles enshrined in the Universal Declaration of Human Rights went hand in hand, and fully supported the idea that if the repatriation of refugees, with their freely given consent, and the return of internally displaced persons, as well as the subsequent reintegration of both groups, was to be successful, the defence of and respect for human rights at their place of origin had to be improved. Germany greatly appreciated UNHCR's work on preventing and prosecuting the sexual and gender-based violence that had, sadly, become endemic in some regions of the world. To ensure that this did not go unpunished, Germany urged the States concerned to focus on introducing procedures for effective criminal prosecution, application of the laws and the supervision of armed forces and groups.

51. In addition, Germany welcomed the fact that UNHCR had decided to incorporate into its activities a rights-based proximity approach and to take into account considerations of age, gender and diversity in all of its operations, in order to promote equality of treatment in regard to the exercise of rights by all of the populations in its care. Germany particularly looked forward to taking part in the forthcoming debate on urban refugees and thanked UNHCR for its views on the establishment of the Common European Asylum System and for its involvement in the process.

52. **Mr. HOLLER** (Norway) pointed out, as did the Note on International Protection, that since there was a close relationship between international refugee law and human rights, asylum-seekers had, in particular, the right to have access to fair and effective asylum procedures, education, work and adequate standards of living, and to enjoy freedom of movement. However, the right to seek asylum was not respected by all governments, resulting in risks for refugees and inequitable burden-sharing. Norway therefore commended UNHCR's efforts to harmonize the levels of international protection, particularly in the European context.

53. In accordance with the General Conclusion on International Protection, Norway welcomed UNHCR'S offer to assist States to review progress made in implementing the Agenda for Protection over the last five years and to offer advice on how to meet certain major challenges. Norway considered that it was necessary enhance the protection capacities of countries faced with large-scale mixed migration flows and welcomed the High Commissioner's initiative to discuss the issue of protracted refugee situations during the forthcoming Dialogue on Protection Challenges and to discuss the situation of urban refugees next year. Norway had increased its annual quota of resettlement places for long-term refugees in its territory, and welcomed the fact that some States had declared their intention of cooperating with UNHCR on the resettlement programmes. However, it urged UNHCR to continue to work towards the implementation of other durable solutions.

54. **Mr. ELING** (Observer for the European Commission) welcomed the broad overview of UNHCR's protection activities over the past year and considered the periodic High Commissioner's dialogues on specific topics (mixed migration flows, protracted refugee situations and so on) to be helpful. In that regard, he encouraged UNHCR to continue to work, with the other agencies and partners concerned, on the challenge posed by irregular maritime immigration. Finally, the European Commission welcomed the adoption of the General Conclusion on International Protection as a source of guidance and standard-setting in the development of a Common European Asylum System. However, the European Commission called on the Executive Committee to confine itself, in its choice of subject-matter, to issues relating to the protection of refugees and the practical challenges involved in protecting them.

55. **Ms. METSANDI** (Estonia), exercising her right of reply, rebutted the political accusations made against Estonia by the Russian Federation and considered it regrettable that the exchange could not have taken place within the context of a bilateral meeting. She stressed that, over the past 16 years, Estonia had endeavoured to find solutions for many individuals with no specific citizenship who had been present in Estonian territory since the Soviet occupation ended in 1991. Currently, the number of such individuals had decreased fourfold, particularly as a result of the efforts to introduce legislation designed to facilitate, first and foremost, the naturalization of children and disabled persons. All these persons had identity papers and 90% of them had a permanent residence permit.

56. It had also to be pointed out that in Estonia everyone had the right to choose their citizenship, and persons of undetermined citizenship were encouraged to acquire Estonian citizenship, including through information campaigns. The constitution prohibited all discrimination, and so Estonian citizens and non-Estonians had the same rights in terms of access to the different services and freedom of movement. Estonia was also one of the few countries in the world where all legal residents, regardless of their nationality, had the right to vote in local elections. Finally, persons of undetermined citizenship had more rights that provided for in the 1954 Convention relating to the Status of Stateless Persons.

57. **Mr. MAZEIKS** (Observer for Latvia), exercising his right of reply, said that, in Latvia, a clear distinction had to be made between a stateless person and a non-citizen. The 1995 law on the status of former citizens of the Soviet Union who possessed neither Latvian nor any other nationality had made it possible to accord permanent residents and non-citizens a provisional legal status determining a raft of rights and obligations far more extensive than envisaged under the 1954 Convention relating to the Status of Stateless Persons.

58. Save for some civil and political rights, Latvian non-citizens enjoyed almost the same rights as Latvian citizens. They had complete freedom of movement and possessed internationally recognized identity and travel documents. Moreover, they did not need a visa to travel to any European Union country and almost any Latvian non-citizen could

acquire Latvian nationality on the basis of a simple and transparent naturalization procedure. Thousands did so every year.

59. **The CHAIRMAN** asked the Assistant High Commissioner for Protection to respond to the contributions.

60. **Ms. FELLER** (Assistant High Commissioner for Protection) said that she very much appreciated the comments made by the Netherlands and German delegations, among others, concerning the implementation of refugee protection within the framework of an approach founded on human-rights. As regards the general functioning of the humanitarian system, several delegations, including France and Sweden, had called for greater consistency in the way in which different States interpreted and applied the definition of refugee to comply with their international protection commitments. UNHCR welcomed the fact that Sweden, the next country to assume the presidency of the European Union, intended to make the achievement of the common asylum system one of its main objectives and reaffirmed its unfailing support for the attainment of this vast undertaking. Ms. Feller commended the quality of the report submitted by Norway in accordance with the Agenda on Protection, and welcomed the fact that France had decided to return to the resettlement programme because, even if, as Sweden had pointed out, resettlement per se was not the only strategic solution to be taken into consideration, there needed to be more resettlement places worldwide. She considered it encouraging that many States agreed on the usefulness and relevance of the Executive Committee's General Conclusions and the High Commissioner's dialogues. Ms. Feller assured the Danish delegation that there was proper follow-up to the dialogues, within the framework of biennial projects, thanks in particular to grants from the European Commission. She also assured the Yemeni delegation—and all were aware that Yemen was doing an enormous amount to host refugees and had already saved many lives – that UNHCR would do everything in its power to help Yemen manage the situation in the Gulf of Aden. In that connection, she explained that refugee status could not be accorded for purely economic reasons but that economic discrimination could be deemed a valid determination criterion, among other reasons. She remained at the disposal of delegations if they required additional information on the activities that UNHCR and its partners were implementing in the Mediterranean region for the purpose of applying certain aspects of the 10-Point Action Plan.

*The meeting rose at 6.10 p.m.*

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