

## Chapter XII

## Refugees and displaced persons

In 2005, although the total number of persons of concern to the Office of the United Nations High Commissioner for Refugees (UNHCR) rose by 8 per cent to 20.8 million, from 19.2 million in 2004, the refugee population worldwide fell to its lowest level in almost a quarter century and mass refugee outflows into neighbouring countries were also the lowest in 29 years. Refugees accounted for 40 per cent of the 2005 population of concern, followed by internally displaced persons (IDPs), 32 per cent and stateless persons, 11 per cent. UNHCR maintained efforts to find durable solutions for those groups, encouraging voluntary repatriation or return as the preferred solution. In that regard, an estimated 1.1 million refugees returned to their countries of origin during the year. With UNHCR's assistance, thousands other refugees found solutions through resettlement elsewhere, or were integrated locally. To facilitate that process, the UNHCR Executive Committee had adopted a Conclusion on Local Integration, setting out a framework for related activities. New refugee outflows totalled some 136,000 recorded arrivals in 19 asylum countries, most notably in Chad (32,400), Benin (25,500), Ghana (13,600), Uganda (24,000) and Yemen (13,200). Those outflows resulted mainly from the ongoing conflict in Sudan's Darfur region and the consequent decline in the security situation in the Chad/Darfur area, instability in parts of the Central African Republic and violence in regions of Côte d'Ivoire, the Democratic Republic of the Congo (DRC) and Somalia, among other places. Overall, up to 5 million of the world's refugee population remained in protracted situations, including Afghans (1.7 million), Burundians (394,000), Congolese from the DRC (308,000), Somalis (229,000) and Sudanese (364,000). Others affected were Saharawi refugees in the Tindouf camps in Algeria, Bhutanese in Nepal and the Rohingyas in Bangladesh. UNHCR maintained efforts to find durable solutions for those caught in protracted situations, including through the restructuring of its Department of International Protection and the creation of a Solutions and operations support section, charged with reviewing such situations and enhancing resettlement services.

Despite improvements in many aspects of the protection environment during the year, UNHCR

continued to face significant challenges in addressing protection gaps relating to sexual and gender-based violence and restrictive practices regarding reception and access to asylum procedures. Other difficulties included security-related concerns, as well as the major challenge of working with States to identify comprehensive approaches to using all durable solutions for persons of concern. Ongoing efforts to implement the "Convention Plus" initiative, launched in 2003 to help strengthen the commitment of States and UNHCR partners to resolving refugee situations through multilateral action plans, focused on concluding negotiations to better address secondary movements and target development assistance for durable solutions. During the year, the Commonwealth of Independent States (CIS) Conference process, launched in 1996 to address the unique and complex mix of problems facing refugees and other displaced people in those States, concluded with the adoption of a final statement and the examination of a successor framework for considering Euro-Asian cooperation on migration.

**Appointment.** On 27 May, the General Assembly, by **decision 59/420**, appointed Mr. Antônio Manuel de Oliveira Guterres as United Nations High Commissioner for Refugees for a period of five years.

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

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#### Programme policy

**Executive Committee Action.** At its fifty-sixth session (Geneva, 3-7 October) [A/60/12/Add.1], the Executive Committee of the UNHCR Programme, in a conclusion on international protection, expressed concern at the human rights violations perpetuating displacement within and beyond national borders and called on States to promote and protect the rights of all refugees and other persons of concern, with special attention to those with specific needs, particularly children. It encouraged States, UNHCR, intergovernmental organizations and non-governmental organiza-

tions (NGOs) to redouble efforts to implement the Agenda for Protection [YUN 2002, p. 1205], the multi-year programme of action for enhancing the protection of refugees and asylum-seekers. Reflecting on the need for UNHCR to strengthen its presence in the field, the Committee called on States to support its efforts in that regard with the timely provision of resources and by ensuring the safety and security of all UNHCR personnel and property and that of other humanitarian organizations discharging UNHCR-mandated functions. The Committee noted proposals to strengthen the Programme's humanitarian system and encouraged it to explore the feasibility of assuming coordination responsibilities for the protection of internally displaced persons (IDPs), camp management and shelter in conflict situations. The Committee also adopted conclusions on the legal provision on international protection, including through complementary forms of protection and on local integration. It approved the creation of a post of Assistant High Commissioner (Protection) at the Assistant Secretary-General level, effective 1 January 2006; and adopted decisions on enhancing the independence of the Office of the Inspector-General; and on administrative, financial and programme matters.

In his opening statement to the Committee, the High Commissioner, highlighting aspects of the 2005 World Summit Outcome (see p. 48) that could open up new opportunities for addressing the root causes of the conflicts resulting in forced displacement, noted contradictions in areas crucial to UNHCR's work. Such a situation was at odds with UNHCR as a non-political humanitarian body. He stressed that the Office was primarily a protection agency concerned with the need to create a space where rights could be enjoyed fully and where the rule of law prevailed. That was one of the main reasons for his proposals to establish the position of Assistant High Commissioner for Protection [YUN 2004, p. 1200] and to reorganize UNHCR's field support services for effective protection delivery. The High Commissioner resolved to reform UNHCR's structures, rules and procedures, with the aim of ensuring that protection informed all its policies and activities, particularly regarding women, children and older persons of concern. From that perspective, mainstreaming the effective implementation of UNHCR policies, guidelines and actions on gender, age and diversity would be a top priority in 2006, as would continuing efforts to eradicate malnutrition and increase the capacity to combat HIV/AIDS and other serious health risks. The physical security of refugees and returnees also remained high on UNHCR's protection agenda, as was the security of its staff and partners. Its operational

priority was to build up the requisite capacity by 2007, to ensure a quick and effective response to unexpected refugee crises that might affect up to 500,000 people.

To further meet its challenges, UNHCR needed to demonstrate vision and results, strong partnerships, a viable funding base, transparency, accountability and structural reform. To that end, it was making efforts to strengthen the Office of the Inspector-General and its independence, and was committed to establishing a results-based management system, with clear objectives, a measurable process for achieving them and an organization-wide accountability framework. For the first time, the Office issued the Global Strategic Objectives at the beginning of the planning cycle to instruct and guide the budget and programming process.

#### GENERAL ASSEMBLY ACTION

On 16 December [meeting 64], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/60/499], adopted **resolution 60/129** without vote [agenda item 39].

#### 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-sixth session and the conclusions and decisions contained therein,

*Recalling* its previous annual resolutions on the work of the Office of the High Commissioner since its establishment by the General Assembly,

*Expressing its appreciation* for the leadership shown by the High Commissioner, 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, and underscoring its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

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-sixth session;

2. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, and notes in this context the adoption of the general conclusion on international protection, the conclusion on the provision of international protection, including through complementary forms of protection, and the conclusion on local integration, which are aimed at strengthening the international protection regime, consistent with the Agenda for Protection, and at assisting Governments in meeting their protec-

tion responsibilities in today's changing international environment;

3. *Reaffirms* the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-six 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;

4. *Notes* that fifty-eight States are now parties to the 1954 Convention relating to the Status of Stateless Persons and that thirty 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;

5. *Notes with interest* the Mexico Plan of Action to Strengthen International Protection of Refugees in Latin America, endorsed by States participating in the meeting commemorating the twentieth anniversary of the Cartagena Declaration on Refugees convened in Mexico City on 15 and 16 November 2004, and expresses its support for the efforts of interested States and the Office of the High Commissioner to promote its implementation, with the cooperation and assistance of the international community;

6. *Welcomes* the successful conclusion of the follow-up process to the 1996 Geneva Conference on the problems of refugees, displaced persons, migration and asylum issues in the countries of the Commonwealth of Independent States, and encourages States, the Office of the High Commissioner and other relevant actors to continue to work collaboratively, building on the successes of the Conference process to date;

7. *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;

8. *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 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, in particular the least developed countries, and countries with economies in transition;

9. *Emphasizes* that international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that it includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees in accordance with internation-

ally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

10. *Notes* the activities undertaken in pursuit of the objectives of the Convention Plus initiative, and encourages the High Commissioner and interested States to strengthen the international protection regime through the development of specific, multilateral, comprehensive and practical approaches to resolving refugee situations, including improving international burden- and responsibility-sharing and realizing durable solutions within a multilateral context;

11. *Welcomes* the progress that has been achieved in increasing the number of refugees resettled and the number of States offering opportunities for resettlement, notes that the Multilateral Framework of Understandings on Resettlement sets out the strategic use of resettlement as part of a comprehensive approach to refugee situations aimed at improving access to durable solutions for a greater number of refugees, and invites interested States, the Office of the High Commissioner and other relevant partners to make use of the Multilateral Framework, where appropriate and feasible;

12. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and other displaced persons and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with countries hosting refugees and countries of origin, including their respective local communities, United Nations agencies and other development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, which includes the "4Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return, and encourages States, in cooperation with United Nations agencies and other development actors, to support, inter alia, through the allocation of funds, the development and implementation of the 4Rs and other programming tools to facilitate the transition from relief to development;

13. *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, and recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

14. *Acknowledges* that the provision by States of complementary forms of protection to ensure that persons in need of international protection actually receive it is a positive way of responding pragmatically to certain situations, and affirms that measures to provide complementary forms of protection should be implemented in a manner that strengthens the existing international refugee protection regime;

15. *Notes* that local integration in the refugee context is a sovereign decision and an option to be exercised by States guided by their treaty obligations and human rights principles and that it is a dynamic and multifaceted two-way process that requires efforts by all parties concerned, including a preparedness on the part of refugees to adapt to the host society without having to forego their own cultural identity and a corresponding readiness on the part of host communities and public institutions to welcome refugees and to meet the needs of a diverse population, and acknowledges that the process of local integration is complex and gradual, comprising three distinct but inter-related legal, economic, and social and cultural dimensions, all of which are important to the ability of refugees to integrate successfully;

16. *Acknowledges* that the global refugee situation represents an international challenge requiring that international burden- and responsibility-sharing be addressed effectively, and recognizes that allowing for local integration, where applicable, is an act of States that is a durable solution for refugees, which contributes to the said burden- and responsibility-sharing, without prejudice to the specific situation of certain developing countries facing mass influxes;

17. *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;

18. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, and calls upon all States of refuge, in cooperation with international organizations where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers;

19. *Affirms* the importance of mainstreaming the protection needs of women and children to ensure their participation in the planning and implementation of programmes of the Office of the High Commissioner and State policies and the importance of accord priority to addressing the problem of sexual and gender-based violence;

20. *Encourages* the Office of the High Commissioner to continue to improve its management systems and to ensure effective and transparent use of its resources, recognizes that adequate and timely resources are essential for the Office to continue to fulfil the mandate conferred upon it through its statute and by subsequent General Assembly resolutions on refugees and other persons of concern, recalls its resolutions 58/153 of 22 December 2003, 58/270 of 23 December 2003 and 59/170 of 20 December 2004 concerning the implementation of paragraph 20 of the statute of the Office, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

21. *Requests* the High Commissioner to report on his activities to the General Assembly at its sixty-first session.

## Strengthening UNHCR

**Oral report of High Commissioner.** Pursuant to General Assembly resolution 58/153 [YUN 2003, p. 1226] on strengthening UNHCR's capacity to carry out its mandate, a UNHCR representative presented a 21 July oral update of the High Commissioner to the Economic and Social Council [E/2005/SR.35] on the coordination aspects of the work of the Office. UNHCR was working more closely with other actors within the UN system, as partnerships were the only means of helping conflict-torn countries create conditions for sustainable return. On the humanitarian front, UNHCR was collaborating with the Office for the Coordination of Humanitarian Affairs (OCHA) in a number of areas, including participation in an inter-agency process aimed at improving assistance and protection to internally displaced persons. It was cooperating with the World Food Programme (WFP) to secure adequate levels of food and water to refugees and exploring ways to enhance ties with the United Nations Children's Fund (UNICEF) and the Office of the High Commissioner for Human Rights. The Office was also strengthening its cooperation with the Department of Peacekeeping Operations in the field of disarmament, demobilization and reintegration in peacekeeping missions. It also supported the establishment of a Peacebuilding Commission (see p. 113) and hoped to contribute to the planned peacebuilding support office. In terms of longer-term recovery strategies, the Office's membership in the United Nations Development Group (UNDG) was beginning to show concrete results, as UNHCR was participating actively in the joint UNDG/World Bank needs assessments for countries emerging from conflict and in transition from relief to development.

Pursuant to Assembly resolution 59/172 [YUN 2004, p. 1208], which requested the Secretary-General to report orally to the Economic and Social Council on assistance to refugees, returnees and displaced persons in Africa (see p. 1311), the Representative noted that some 4.5 million people, including approximately 2.8 million refugees were of concern to UNHCR on the continent. Voluntary repatriation continued to be a key objective of its operations on the continent, and the challenge in such operations was to ensure the sustainability of returns by addressing the reintegration needs of returnees and IDPs, and the post-conflict reconstruction priorities of communities in the areas of return.

## Coordination of emergency humanitarian assistance

In 2005 [A/61/12], UNHCR actively supported UN system reform and improvements to the

global humanitarian response capacity through discussions on policy and implementation, notably regarding peace and security, system-wide coherence, development, and strengthening of the Resident Coordinator and Humanitarian Coordinator systems. It was engaged with the Peacebuilding Commission, whose work should play a crucial role in supporting the sustainable reintegration of returning refugees and IDPs. The Office also continued to participate in other key coordination bodies, including the United Nations Chief Executives Board for Coordination (CEB) and its subsidiary bodies, the undg and the Executive Committee for Humanitarian Affairs (ECHA). Together with the Joint United Nations Programme on HIV/AIDS (UNAIDS) and other partners, it maintained efforts to help combat HIV and AIDS among persons of concern and to ensure their inclusion within host country programmes on the disease. UNHCR continued to function as the secretariat of the UN sub-cluster on humanitarian response and post-conflict recovery in the African Union's (AU) New Partnership for Africa's Development (NEPAD) programme (see p. 1080). Bilateral collaboration helped make its interventions more effective in such areas as food security and nutrition, upholding human rights, advocacy in combating restrictive asylum measures, the rights of IDPs, and in respect of the many challenges posed by the asylum-migration nexus. Its partnerships with NGOs continued to evolve towards more comprehensive collaboration and involvement in the assessment, planning, implementation and evaluation phases of operations, as well as in revising various guidelines and policies. In 2005, over 20 per cent of UNHCR's budget was channelled through partnerships with nearly 650 NGOs, approximately 80 per cent of which were national NGOs. The bulk of the funding covered education, legal assistance and protection, health and nutrition, shelter and other infrastructure, community services, and transport and logistics.

#### Evaluation activities

UNHCR, in a July report [A/AC.96/1014], updated information on the activities of its Evaluation and Policy Analysis Unit (EPAU). During the year, the Unit published numerous evaluation reports, tools and reviews and worked on a variety of projects expected to be completed by year's end or early in 2006. Those included the revision of its urban refugee policy and fast-track programme; an evaluation of its protection staffing capacity, the Protection Information Section and vehicle fleet around the world; its joint evaluation of the Norwegian Refugee Committee's secondments to the Office and its pilot food dis-

tribution in five countries; and an update and follow-up to the 2004 evaluation of its Medical Service. The evaluation policy adopted in 2003 [YUN 2003, p. 1224] had been implemented, but showed distinct shortcomings owing to the lack of capacity to meaningfully train staff in evaluation, among other reasons. While noting the need for EPAU to also hone its policy analysis capacity, the report highlighted efforts to assess its practices and review UNHCR's evaluation policy and institutional framework, in order to meet the criteria set by the UN System-wide agreed Norms and Standards for Evaluation, contained in General Assembly resolution 59/250 [YUN 2004, p. 868]. Also in line with those norms and standards, the Unit intended to professionalize its team during 2005 and 2006. According to UNHCR's *Global Report 2005*, one of its key concerns was ensuring that evaluation findings and recommendations were effectively utilized by UNHCR. Thus, to support the use of lessons learned in programming and decision-making, the Unit designed a database which indexed all recommendations contained in evaluation reports, thereby allowing for better performance and accountability in planning and implementing UNHCR's operational activities.

#### Inspections

In 2005 [A/61/12], the High Commissioner revised the terms of reference of the role, functions and methods of work of the Inspector-General's Office (IGO), providing a new charter aimed at ensuring its independence. It also introduced a policy of wider dissemination of inspection reports and updating IGO's operational policies and procedures, in line with relevant administrative instructions from the Secretary-General. In October, the Executive Committee adopted a decision on enhancing IGO's independence to enable it to better fulfil its functions. IGO continued during the year to increase its investigation capacity through the training of 80 staff members in the Investigation Learning Programme. Quality standards were established to increase professionalism in the conduct of investigations and to provide the basis for quality assurance initiatives in the future.

During the year, IGO carried out ten inspections at the country level and one at headquarters, resulting in over 300 recommendations to address recurring problems. Those included patterns of use of United Nations Volunteers and United Nations Office for Project Services arrangements for meeting field staffing needs; assignment of critical front-line responsibilities in field operations to inexperienced staff; limited engagement of country offices with situations of

statelessness; the lack of adequate information sharing with implementing partners in planning processes; and the lack of clarity in roles, responsibilities, authority levels and communication channels in field operations. IGO received 99 new reports of possible misconduct; investigative findings supported a conclusion of misconduct in 21 per cent of those cases.

During the reporting period, the UN Office of Internal Oversight Services (OIOS) audited operations and activities with expenditure amounting to \$172 million in over 20 UNHCR field operations and several headquarters Units. It continued to use a measurement system to rate the effectiveness of the application of key internal controls in audited operations, which facilitated benchmarking between country operations, provided assurances that activities were adequately administered and assisted in identifying operations where prompt corrective action was required. UNHCR initiated a Risk Management Framework, which would help develop a risk-based audit plan for activities beginning in 2008.

#### Enlargement of the Executive Committee

On 22 July (**decision 2005/243**) and 21 October (**decision 2005/314**), respectively, the Economic and Social Council took note of the requests of Jordan [E/2005/46] and Portugal [E/2005/93] for membership in the UNHCR Executive Committee and recommended that the General Assembly take a decision at its sixtieth (2005) session on the question of enlarging the Committee's membership from 68 to 70 States.

#### GENERAL ASSEMBLY ACTION

On 16 December [meeting 64], the General Assembly, on the recommendation of the Third Committee [A/60/499], adopted **resolution 60/127** without vote [agenda item 39].

#### 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 decisions 2005/243 of 22 July 2005 and 2005/314 of 21 October 2005 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 letter dated 8 March 2005 from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General and the letter dated 12 September 2005 from the Permanent Representative of Portugal 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-eight to seventy States;

2. *Requests* the Economic and Social Council to elect the additional members at its resumed organizational session for 2006.

#### Financial and administrative questions

UNHCR's initial annual programme budget target for 2005 was set at \$974.6 million by the Executive Committee in 2004 [YUN 2004, p. 1200]. Total income for 2005 amounted to some \$1,216 million. Contributions and miscellaneous income (including a carry-over from 2004) provided \$843.6 million for the annual programme budget and \$317.2 million for the supplementary programme budgets, with \$16.1 million provided for the Junior Professional Officers (JPO) programme, and \$39.3 million received from the UN regular budget. Expenditure totalled \$1,141.6 million, with the highest amount going to Africa (\$529 million), followed by Central Asia, South-West Asia, North Africa and the Middle East (\$165.2 million), Europe (\$108.3 million), Asia and the Pacific (\$82.7 million) and the Americas (\$31.4 million).

In October, the Executive Committee approved the revised annual programme budget for 2005, amounting to \$980.5 million, including the UN regular budget contribution of \$34.6 million, which, with the provisions for JPOs of \$8.5 million and the needs under supplementary programmes of \$370.2 million, brought total requirements in 2005 to \$1,359.2 million.

The Committee also approved \$1,136.8 million for the 2006 annual programme budget, including an operational reserve of \$75.8 million, and agreed to continue on a further trial basis in 2006, to provide appropriation authority for fully funded additional activities. Together with \$8.5 million for JPOs, those provisions brought requirements for 2006 to \$1,145.3 million. The Committee authorized the High Commissioner, within the total appropriation, to effect adjustments in regional and global programmes and in headquarters budgets, create supplementary programmes and issue special appeals when emergency needs could not be met fully from the operational reserve.

The Committee decided to move to a biennial programme/budget cycle with effect from the 2008-2009 biennium and requested UNHCR to begin the necessary preparatory work, including the revision to its Financial Rules. The Committee extended the pilot period of the operational reserve, category II, to allow for an independent evaluation of its use and effectiveness, and enable a final decision on it to be made at the Committee's 2006 session. It also requested UNHCR, in

2006, to elaborate the criteria for and financial consequences of the non-inclusion of supplementary programmes in the annual programme budget.

#### Accounts (2004)

The audited financial statements of voluntary funds administered by UNHCR for the year ended 31 December 2004 [A/60/5/Add.5] showed total expenditures of \$1,065.3 million and total available funds of \$1,207 million, with a reserve balance of \$141.7 million.

The Board of Auditors found that: expenditures had increased by 8 per cent, to \$1,065 million, which exceeded the increase in income and led to a deficit of \$58 million; the reserve and fund balance at year's end remained, at \$142.4 million in real terms; and UNHCR was not able to obtain confirmation of the \$4.5 million spent on its behalf by the United Nations Development Programme (UNDP), due to deficiencies in UNDP's new enterprise resource planning system. The Board further found that there was no proper segregation of financial duties in several instances for the posting of cash-related transactions; the amounts in previous subprojects covered by audit certificates decreased from 77 per cent in mid-June 2004 to 58 per cent in mid-June 2005; UNHCR failed to seek reimbursement to cover the cost of processing payments made for the United Nations Compensation Commission; and had not completely phased out the use of "project staff" by the 2001 deadline. In addition, the consistency and quality of public protection and resettlement activities and information could be further enhanced; results-based management and multi-year planning improved with regard to the definition of indicators of achievement and the evaluation process; and the management of field offices and the New York Office needed to be improved in the areas of delegation of authority, asset management and planning. The Board made recommendations to improve financial management and reporting and programme management. It observed that UNHCR had actively responded to most recommendations, although some had not yet been implemented.

UNHCR, in August [A/AC.96/1010/Add.1], reported on measures taken or proposed to respond to the Board's recommendations.

In a September report [A/60/387], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) noted that UNHCR's financial situation was a continuing cause for concern, especially given its \$58 million budget deficit, which was larger than in previous years. It expected the Board to address the underlying

causes of the deficit and to develop management audit recommendations to assist UNHCR in reducing it without negatively affecting its operations. ACABQ expected the Office to prepare its budgets for 2007 and the 2008-2009 biennium using results-based budgeting guidelines, and asked for more details about its procurement activities. ACABQ expressed concern about unfunded liabilities for after-service health insurance, accrued annual leave and termination benefits amounting to \$336 million. It noted, in that regard, that UNHCR had not fully implemented the Board's recommendation to phase out the use of project staff and requested an update on the situation of staff in between assignments in the Board's follow-up report.

The Executive Committee, in a decision on administrative, financial and programme matters [A/60/12/Add.1], requested that it be regularly informed on the measures taken to address the recommendations and observations made by the Board of Auditors and ACABQ.

#### GENERAL ASSEMBLY ACTION

On 23 December [meeting 69], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/60/561], adopted **resolution 60/234 A** without vote [agenda item 121].

#### Financial reports and audited financial statements, and reports of the Board of Auditors

*The General Assembly*

*Recalling* its resolutions 59/264 A of 23 December 2004 and 59/264 B of 22 June 2005,

*Having considered* the audited financial statements and the report of the Board of Auditors on the voluntary funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 2004, the note by the Secretary-General transmitting to the General Assembly the letter dated 1 July 2005 from the Chairman of the Board of Auditors transmitting the report of the Board on implementation of its recommendations relating to the biennium 2002-2003, and the related report of the Advisory Committee on Administrative and Budgetary Questions,

*Recognizing* the difficult conditions under which the Office of the United Nations High Commissioner for Refugees does its work,

1. *Accepts* the financial report and audited financial statements and the report and audit opinion of the Board of Auditors regarding the voluntary funds administered by the United Nations High Commissioner for Refugees for the period from 1 January to 31 December 2004;

2. *Endorses* the recommendations of the Board of Auditors contained in its report;

3. *Also endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

4. *Takes note* of paragraph 18 of the report of the Advisory Committee on Administrative and Budgetary Questions, and invites the Advisory Committee, in its future consideration of the report on the implementation of the recommendations of the Board of Auditors, to provide further advice on this proposal;

5. *Commends* the Board of Auditors for the quality of its report and the streamlined format thereof;

6. *Recognizes* the efforts of the United Nations High Commissioner for Refugees in implementing the recommendations of the Board of Auditors, and requests the High Commissioner to intensify his efforts to continue to implement the recommendations of the Board and to report regularly to the relevant governing bodies on progress made in this regard;

7. *Notes* the concerns of the Board of Auditors about the general financial situation of the Office of the United Nations High Commissioner for Refugees, including the further depletion of the reserves of the Office, and encourages Member States to respond in a timely manner to the appeal of the Office for resources;

8. *Recalls* paragraph 7 of its resolution 58/249 A of 23 December 2003, by which the General Assembly requested the Secretary-General to report to it on the full extent of unfunded staff termination and post-service liabilities in the United Nations and its funds and programmes and to propose measures that would ensure progress towards fully funding such liabilities;

9. *Takes note* of the note by the Secretary-General transmitting to the General Assembly the letter dated 1 July 2005 from the Chairman of the Board of Auditors transmitting the report of the Board on implementation of its recommendations relating to the biennium 2002-2003;

10. *Requests* the Secretary-General, in accordance with paragraph 6 of its resolution 59/264 A, to take the necessary measures to ensure that the editing and translation of the reports of the Board of Auditors are completed in a manner that would ensure that they are submitted to the General Assembly in accordance with the six-week rule and thereby enable Member States to have adequate time to consider the large volume of reports prior to the sixty-first session of the General Assembly;

11. *Requests* the Secretary-General and the executive heads of the funds and programmes of the United Nations to include in future reports on the implementation of the recommendations of the Board of Auditors information on the setting of time frames, the identification of office holders and priorities for the implementation of the recommendations of the Board;

12. *Emphasizes* that the implementation of the recommendations of the Board of Auditors is essential to ensuring efficient operations and effective internal controls, and decides to monitor closely these efforts.

### Management and administrative review

In connection with the High Commissioner's proposal for the establishment of the post of Assistant High Commissioner (Protection) [YUN 2004, p. 1200], UNHCR commissioned an independent study to review its senior management structure, in order to determine how such a position

might affect that structure. The study, undertaken by the Geneva-based management consultancy firm, MANNET, examined the weaknesses and challenges facing UNHCR in carrying out its protection and durable solutions mandate; the relationship between the field, the UNHCR headquarters (the bureaux) and its Department of International Protection (DIP); the strategies and plans which the Office had adopted for its work; and the advantages and disadvantages of creating the proposed post.

The study found that UNHCR faced substantial problems regarding protection and durable solutions and that a persistent cause of those problems was related to the interface between its Operations Department and DIP. While reaffirming the status of the UNHCR headquarters as the primary platform for the management of operations, it held that DIP needed to be more operationally and field oriented and more dynamic on several policy and management issues. It acknowledged UNHCR's strategies and activities designed to strengthen protection and durable solutions but noted that better results would be achieved if those strategies and activities were brought together in a comprehensive organizational-strengthening or change-management context. The study raised questions pertaining to the advantages and disadvantages of the proposed post of Assistant High Commissioner, most notably in terms of its potential to help enhance UNHCR's ability to promote and advocate protection externally, strengthen its protection and durable solutions programme, enhance working relations between its operations department and DIP, reinforce the executive management group and strengthen its staffing situation. Other questions addressed the financial implications of creating the post and other alternatives. The study concluded that, although it did not find an overwhelming case for the proposed post of Assistant High Commissioner for Protection by upgrading the post of Director in DIP to that of Assistant Secretary-General level, such a position would be desirable, as it could significantly support UNHCR's overall capacity in protection and durable solutions and would also help improve the interface between operations and DIP. It therefore supported the High Commissioner's revised proposal for the new position, with the proviso that it be established within the context of a comprehensive organizational strengthening programme. That should not warrant any significant changes to UNHCR's structure, given that many of the problems preventing its headquarters from providing adequate support and guidance to the field were not primarily caused by organizational design but by cumbersome and inefficient pro-



cesses rooted in the issues of organizational culture and leadership.

In October, the Executive Committee of the UNHCR Programme approved the creation of the post of Assistant High Commissioner (Protection) with effect from 1 January 2006, to oversee refugee protection and the related advocacy role of the Office.

### **Standing Committee**

The UNHCR Standing Committee held three meetings in 2005: (8-11 March) [A/AC.96/1007]; (28-30 June) [A/AC.96/1017]; (21-22 September) [A/AC.96/1019]. It considered issues relating to UNHCR's programme budgets and funding; international protection; regional activities and global programmes; programme/protection policy; coordination; management, financial control, administrative oversight and human resources; governance; and consultations.

In October [A/60/12/Add.1], the Executive Committee reaffirmed its 2004 decision [YUN 2004, p. 1203] on the framework for the Standing Committee's programme of work for 2005, decided to integrate into its 2006 programme the work and activities of the High Commissioner's Forum and Convention Plus, and asked it to report on its work in 2006.

### **Staff safety**

At the September meeting of the Standing Committee (21-22 September) [A/AC.96/1019], the Deputy Head of UNHCR Emergency and Security Service and the Chief of the Field Safety Section updated information on staff safety and security management, outlining the factors necessitating a comprehensive review of security management; the main issues of its two-year security work plan; the high priority accorded training and capacity building; a summary of the minimum operating security standards survey; collaboration with the UN Department of Safety and Security (DSS) and other UN organizations; and the future focus on staff safety. In response to questions regarding funding, notably a \$10 million gap in funding, both executives clarified that the Office had not included security funding needs in the 2006 annual programme budget because field offices had not submitted up-to-date information. Of the options available, the highest priority was being given to seeking funding from UN common funds. Collaboration with DSS would be further strengthened, which should allow UNHCR to decrease the number of Field Safety Advisors deployed.

## **Refugee protection and assistance**

### **Protection issues**

In his annual report covering 2005 [A/61/12], the High Commissioner observed that, although the protection environment had improved in many areas, significant challenges persisted, including sexual and gender-based violence, often linked to limited livelihood alternatives and sub-standard food rations; restrictive practices regarding reception and access to asylum procedures; and instances of detention and refoulement in countries that had previously been strong adherents to refugee rights. UNHCR took steps to ensure that it could continue to strengthen its protection capacity in the light of changing developments, including systematizing dialogue on crosscutting issues at senior management levels, establishing a Field Reference Group on Protection Policies, developing a protection monitoring tool, and creating an innovative age, gender and diversity mainstreaming (AGDM) accountability framework (see p. 51). As the reporting period had witnessed further restrictions on access to and enjoyment of asylum, against a backdrop of growing national security concerns, UNHCR had intensified its advocacy, notably through training activities with border officials and the police. It continued to promote accession to the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and its 1967 Protocol [YUN 1967, p. 477].

In addition, UNCHR was engaging Governments to raise awareness of international protection needs and responsibilities, and to promote regional cooperation for protecting refugees within broader migration movements, cooperating as necessary with the International Organization for Migration (IOM). The Office worked with various other partners to ensure that legislation to criminalize trafficking included measures to protect and support the victims. The Office promoted ways of sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees, and through its Strengthening Protection Capacity Project, consolidated and expanded its work to develop a comprehensive and sustainable capacity-building methodology. In a bid to address security-related concerns more effectively, it made efforts to sensitize refugees and local communities, as well as relevant government officials and the judiciary, on how best to address sexual and gender-based violence. It also stepped up its interventions against the military recruitment of children, in

collaboration with UNICEF. As part of ongoing efforts to reinforce the search for durable solutions, the restructuring of UNHCR's Department of International Protection included the creation of a Solutions and Operations Support Section, charged primarily with reviewing protracted refugee situations. The restructuring also enhanced the Resettlement Service.

In a July note on international protection [A/AC.96/1008], the High Commissioner outlined the main challenges encountered by States and the international community, while addressing protection issues, and the actions taken to address them. He noted that, despite a reduction for the third consecutive year of the number of asylum-seekers in many industrialized countries and the fact that progress had been made in reducing decision-making backlogs in some countries and in building capacity in new asylum countries, refugees were not always safe in many asylum countries, owing to continuing conflicts. In some situations, the generosity of developing States that had hosted large numbers of refugees for many years showed signs of strain and the challenge was to maintain the momentum of the Agenda for Protection in an environment of "asylum fatigue". That could be done by making reporting on implementation a genuinely joint undertaking, whereby UNHCR, States and NGOs could jointly draft a comprehensive progress report five years after the Agenda's endorsement by the Executive Committee, outlining a common overview of gaps, challenges and future directions. Several of the recommendations contained in the Secretary-General's report entitled "In Larger Freedom" (see p. 68) could also significantly enhance the protection of the displaced.

The Executive Committee, in October [A/60/12/Add.1], noted the need for UNHCR to continue to strengthen its protection presence in the field, including female protection staff, and called on States to support its efforts through the timely and predictable provision of resources. It acknowledged the value of a focused range of activities aimed at strengthening the protection capacity of States, particularly those dealing with protracted refugee situations, and encouraged States, UNHCR, other intergovernmental organizations and NGOs to redouble their efforts to implement the Agenda for Protection and to explore the merits of a consolidated report to the Executive Committee on its implementation. In its conclusion on the provision of international protection, including through complementary forms of protection, it prescribed action and recommended measures for further strengthening the international refugee protection regime.

### International instruments

In 2005, the number of States parties to the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and to its 1967 Protocol [YUN 1967, p. 477] rose to 143, following the accession of Afghanistan. Senegal's accession 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] increased the number of States parties to those instruments to 58 and 30, respectively.

### Convention Plus

In 2005, the "Convention Plus" initiative, launched in 2003 [YUN 2003, p. 1229] to help strengthen the commitment of States and UNHCR partners to resolving refugee situations, focused on concluding negotiations in order to address better secondary movements, target development assistance for durable solutions and explore opportunities for applying the Multilateral Framework of Understandings on Resettlement [YUN 2004, p. 1204]. The initiative encouraged UNHCR and the international community to place the resolution of protracted refugee situations higher on the international agenda, including through the adoption of comprehensive approaches to durable solutions, such as making more strategic use of resettlement and underpinning related durable solutions with development assistance. The initiative also engendered innovative methodologies for bridging gaps in protection, highlighted the complexity of addressing irregular secondary movements and provided a forum for clarifying the concerns and positions of States regarding those issues. At the meeting of the High Commissioner's Forum devoted to the "Convention Plus" (Geneva, 17 November), it was announced that the initiative would be mainstreamed into UNHCR's operations.

### Assistance measures

The total population of concern to UNHCR increased from 19.5 million persons at the beginning of 2005 to 20.8 million by year's end. Of that number, stateless persons accounted for 11 per cent, IDPs 32 per cent and refugees, the largest group, 40 per cent. However, the level of new refugee outflows during the year was the lowest since 1976, with a total of 136,000 *prima facie* refugee arrivals recorded in 19 asylum countries, notably Chad (32,400), Benin (25,500), Uganda (24,000), Ghana (13,600) and Yemen (13,200). Situations of particular concern included the ongoing conflict in the Sudan's Darfur region; a steady deterioration in the security situation in the Chad/Sudan border area and related mili-

tary recruitments in refugee camps in eastern Chad, which chased 15,000 Chadians out of the country and displaced tens of thousands more inside; instability in parts of the Central African Republic, which resulted in further refugee movements into Chad; and continuing conflicts in parts of Côte d'Ivoire, the DRC, and Somalia uprooting people from their homes. IDPs worldwide numbered approximately 24 million, an increase of 22 per cent over the previous year and reflecting newly reported IDP situations in Iraq (1.2 million) and Somalia (400,000). Several countries reported a decrease in IDP numbers, including Bosnia and Herzegovina (126,500), Liberia (261,000) and the Russian Federation (164,000). No significant change, however, was recorded by Azerbaijan and Colombia, which had some 580,000 and 2 million IDPs, respectively. UNHCR assisted an estimated 1.1 million refugees to return to their places of origin, with the main returns occurring in Afghanistan (752,100), Angola (53,800), Burundi (68,300), Iraq (56,200) and Liberia (70,300). Many other refugees were resettled elsewhere, including Australia (11,700), Canada (10,400), Finland (770), the Netherlands (420), Norway (750), Sweden (1,300) and the United States (53,800). The main beneficiaries were from Afghanistan, Liberia, Myanmar, Somalia and the Sudan. Those assisted to find durable solutions through the local integration process of being granted citizenship by their host countries were absorbed by Armenia (2,300), Belgium (2,300), Ireland (580), Kyrgyzstan (3,400), Mexico (1,200), Turkmenistan (10,000) and the United States (58,900).

At year's end, there were an estimated 2.4 million stateless persons in 47 countries. That number was expected to increase as new data became available. During the year, UNHCR assisted concerned States to reduce protracted situations of statelessness by resolving the nationality status of stateless populations on their territories.

### Refugees and the environment

During the year, UNHCR continued to implement its environmental policy and related activities, particularly with regard to safeguarding the institution of asylum in host countries where the presence of refugees had affected the environment. In accordance with its *Environmental Guidelines*, which were revised in 2005, it integrated environmental issues into field operations, which involved the dissemination of handbooks on forestry, livestock and sustainable agriculture. Repatriation operations in Africa would be assisted to develop country-specific rehabilitation strategies, in partnership with government authorities, NGOs, the World Conservation Union, the

United Nations Human Settlements Programme (UN-Habitat), the United Nations Environment Programme (UNEP) and other concerned agencies. UNHCR piloted various technologies and approaches to encourage the use of scarce natural resources more sustainably, including through the use of permaculture, techniques to reduce and substitute biomass materials for wood in cooking and construction, and the use of mud bricks and related construction materials needed by refugees. Other initiatives included the introduction of firewood-efficient stoves and of alternative energy sources, such as ethanol, biogas, solar and briquettes in Ethiopia, Nepal, Rwanda and Zambia. In November, the toolkit for the Framework for Assessing, Monitoring and Evaluation of Environment in Refugee Operations was completed. The mechanism, a pilot version of which was launched shortly thereafter, was benefitting refugee communities in Chad, Nepal, Uganda and the United Republic of Tanzania. According to the *UNHCR Global Report 2005*, funding for environmental impact-related projects in refugee-hosting countries was a fundamental issue that needed to be addressed in 2006.

### Refugees and HIV/AIDS

In 2005, combating HIV/AIDS among persons of concern and ensuring full respect for the rights of those living with the disease remained policy priorities for UNHCR and were integral components of its strategic objective in programmes protection and assistance. It issued its 2005-2007 HIV/AIDS Strategic Plan, which drew on recent evidence on HIV/AIDS and forced displacement and on lessons learned from its previous strategic plan. Indicators of achievement in 2005 included the implementation of pilot projects and cooperation with UNAIDS co-sponsors for the inclusion and integration of refugees into host countries' HIV/AIDS policies and programmes. In addressing the linkage between sexual violence, protection and HIV/AIDS, UNHCR, together with the United Nations Population Fund (UNFPA), expanded its support to six country programmes in the area of post-exposure prophylaxis for rape victims. UNHCR gave technical and financial support to 29 country programmes. Globally, its HIV/AIDS interventions included voluntary counseling and testing in over 30 refugee camps in 11 countries for approximately 900,000 people; prevention of mother-to-child transmission programmes in over 18 camps in eight countries for approximately 650,000 people; and antiretroviral therapy to a number of refugees in 26 countries.

### Refugee women

In 2005, UNHCR continued to implement its action plan to address the critical areas highlighted by the three evaluations it completed in 2002 [YUN 2002, p. 1201] on refugee women, refugee children and the role of community services, through targeted action to support groups facing discrimination. It continued to implement its pilot project on age, gender and diversity mainstreaming, launched in 2004 [YUN 2004, p. 1205]. It also dealt with the prevention of and response to sexual and gender-based violence, as well as gender equality.

### Refugee children

The implementation of UNHCR's education policies was strengthened in 2005 through regional workshops on the application of field guidelines and strategic partnerships on education in Colombia, and on education and a community approach in Senegal. Some 1,000 students continued to receive university scholarships under the Albert Einstein German Refugee Initiative. UNHCR encouraged the establishment of national education committees to promote greater refugee access to quality education. To counter increasing trends of acute undernourishment among refugee children and women, it collaborated with the World Food Programme (WFP) in reducing the malnutrition rates among them to less than 10 per cent.

**Report of Secretary-General.** In response to General Assembly resolution 58/150 [YUN 2003, p. 1231], the Secretary-General submitted an August report on assistance to unaccompanied refugee minors [A/60/300]. The report addressed a rights-based approach to securing the interests of affected minors, and global priority issues relating to refugee children, including separation from family and caregivers, military recruitment, sexual exploitation, abuse and violence, education and the specific protection concerns of unaccompanied and separated adolescent girls and boys. It also highlighted other concerns and challenges, such as trafficking in refugee children, the situation of internally displaced girls and boys and unaccompanied children and HIV/AIDS.

The Secretary-General noted the strengthening of efforts and progress in addressing the protection of and assistance to unaccompanied and separated refugee children. Cooperation continued to be enhanced among UN agencies and with other partners, particularly the International Committee of the Red Cross, NGOs and government counterparts, largely as a result of the elaboration of common goals and principles in 2003-

2004. However, serious challenges remained, including a lack of accountability for violations, security concerns for both refugees and staff, insufficient human and financial resources, discrimination against girls and a lack of political will by States to implement or comply with relevant international norms and standards. The Secretary-General urged States to comply with those standards and to ensure that adequate resources were provided to allow girls and boys to enjoy their rights, including the right to education and to prevent the risk of being sexually abused, recruited into armed groups or trafficked. There was a continuing need for a clearer understanding of what constituted an effective child protection system, as well as for enhanced and more sustained attention by all actors to more adequate and effective identification, registration, tracing, and family reunification of unaccompanied girls and boys. There was also a need to strengthen all children-in-care arrangements to prevent abuse, neglect and the denial of other rights.

On 16 December, the Assembly took note of the Secretary-General's report (**decision 60/527**).

## Regional activities

### Africa

In 2005, the total population of concern to UNHCR in Africa, excluding North Africa, totalled 4.9 million, a slight increase over the 4.5 million recorded in 2004 [YUN 2004, p. 1206]. Of that number, 2.6 million were refugees, 1.5 million IDPs and 239,539 asylum-seekers.

The Secretary-General, in an August report [A/60/293], submitted in response to General Assembly resolution 59/172 [YUN 2004, p. 1208], updated information on assistance to refugees, returnees and displaced persons in Africa, covering 2004 and the first half of 2005. On a positive note, he observed that the end or prospects for resolving a number of difficult conflicts on the continent had provided large groups of African refugees with a unique opportunity for voluntary repatriation. Completed within the year were repatriation operations for Sierra Leonean and Somali refugees in Ethiopia, with those for Angolan, Burundian and Rwandan refugees underway. New operations were also launched for repatriating those from Liberia and the Congo, and it was expected that similar operations for Sudanese refugees would start within the year. Despite those encouraging developments, relentless political unrest and social tensions in other regions resulted in movements of refugees and IDPs, mainly in West Africa (Côte

d'Ivoire, Togo), the Great Lakes region (Central African Republic, Democratic Republic of the Congo) and the Sudan. Overall, although the number of refugees in Africa declined slightly from 2.8 million in 2004 [YUN 2004, p. 1206] to 2.6 million in 2005, the continent still accounted for about one third of the global refugee population, and in that regard, the tragedy in Darfur (see p. 315) was of particular concern. Governmental, United Nations, international, regional and NGO partners reinforced cooperation to meet protection and assistance needs through improved coordination, joint missions, the development of field guidelines and improved methodologies and tools.

The report provided a regional overview of the refugee situation on the continent and described specific areas of inter-agency cooperation. Particularly positive developments were noted in the area of regional cooperation to reinforce protection for refugees on the continent, notably the decision of the African Union (AU) Heads of States (Abuja, Nigeria, 24-31 January) to convene in 2006, a ministerial conference on refugees, IDPs and returnees, as well as the reactivation of the Coordinating Committee on Assistance to Refugees, Returnees and Displaced Persons by AU leaders. UNHCR collaborated with the Economic Community of West African States (ECOWAS) to organize a regional experts' meeting on sustainable solutions to situations of forced displacement, aimed at identifying best practices. On behalf of refugees for whom voluntary repatriation remained elusive, the Office continued to pursue other durable solutions, particularly local integration in host countries and related resettlement. Nonetheless, chronic funding shortfalls and difficulties in bridging the gap between humanitarian assistance and development activities, especially in return situations, continued to pose problems. The Secretary-General concluded that, in order to end forced displacement and resolve the problem of refugees and other displaced persons in Africa, concerted efforts by the international community to address the root causes of conflicts on the continent should remain a priority, including those relating to socio-economic deprivation, political repression, inter-communal disputes, unemployment, the lack of basic infrastructure and services, and the depletion of natural resources.

#### *Subregional developments*

**UNHCR report.** According to UNHCR's *Global Report 2005*, in Central Africa and the Great Lakes subregion, UNHCR offered protection to some 750,000 refugees and asylum-seekers, assisted over 470,000 others, and facilitated the re-

turn of over 90,000 refugees to several States in that area. The main repatriation operations enabled 61,400 refugees from the United Republic of Tanzania to return to their homes in Burundi; 6,700 return to the DRC's South Kivu province, while over 7,000 others departed from the Congo to the Equateur province, also in the DRC. Patterns of return reflected political and humanitarian conditions in the countries of origin. Accordingly, the rate of return to Burundi, which peaked following the installation of the country's new Government, began to fall by year's end owing to a drought and consequent food insecurity, which undermined the scope of reintegration activities in the country. Political progress in the DRC had also encouraged a steady flow of returnees, especially towards the end of the year. On a negative note, a deteriorating security situation in the Central African Republic forced 18,000 people to flee to Chad. Of concern to UNHCR was the expulsion of some 5,000 Rwandan asylum-seekers from Burundi, following an agreement between the two Governments. Resettlement remained a tool for the international protection of refugees in the subregion, with some 300 cases submitted to third countries for that purpose. UNHCR provided support for processes and initiatives designed to address HIV/AIDS as it affected persons of concern in the subregion and led inter-agency efforts to tackle internal displacements there.

In East Africa and the Horn of Africa, the volatile security situation in some countries, compounded by the lack of sustainable development in that subregion, posed major challenges for UNHCR. Most of its operations were affected by problems relating to camp safety and security and by access and funding constraints. An estimated 7 million people in that subregion faced severe food shortages brought on by drought and other factors which could increase displacement and sharply reduce the likelihood for further returns. Following the signing of Sudan's Comprehensive Peace Agreement, UNHCR began to plan the voluntary return of some 380,000 Sudanese refugees from seven countries, but of the 64,000 it had expected to repatriate during the year, only 131 went home, owing mainly to the lack of infrastructure needed to absorb large numbers of returnees in South Sudan. During the year, preparations also continued for a multi-pronged Comprehensive Plan of Action for Somalia, designed to benefit some 350,000 returnees, 400,000 refugees, 400,000 IDPs and the local communities in which they lived. Within that framework, over 12,200 Somali refugees were assisted to return from Djibouti, Ethiopia and Kenya to Somaliland and Puntland, while some 6,500 refugees were

resettled in countries outside the region, including Kenya, Ethiopia, Uganda and Eritrea. To facilitate the development of a favourable environment for durable solutions for refugees and other persons of concern in the subregion, UNHCR, through its regional office in Addis Ababa, strengthened its partnership with regional and subregional organizations and programmes, the private sector and Governments in addressing peace and security issues, educational and other training facilities for women, and in exploring ways of deepening the knowledge and understanding of the plight of refugees.

In West Africa, as the general refugee situation continued to improve, UNHCR facilitated the return of 38,000 Liberian refugees, mainly from Côte d'Ivoire, Ghana, Guinea, Nigeria and Sierra Leone, while 150,000 returned spontaneously. Some 260,000 IDPs also went back to their places of origin, with UNHCR's assistance. At the end of the year, UNHCR phased out its integration programme for Sierra Leonean returnees and handed over that responsibility to the country's Government and agencies. The overall number of persons of concern to UNHCR in the subregion decreased from 465,000 at the beginning of the year to 371,000 by year's end. One of the main challenges for the Office was the relatively slow return of Liberian refugees, owing to the decision of many refugees to await the end of the electoral process, and to the limited availability of basic services following 14 years of civil war. Other notable challenges and concerns included the socio-economic situation of most of the populations in that subregion, particularly regarding the problems of extreme poverty and massive youth unemployment. In April, violence surrounding presidential elections in Togo led to the exodus of approximately 40,000 refugees to Benin and Ghana, many of whom received UNHCR assistance, especially those who, by year's end, did not consider the political scene in Togo sufficiently changed to assure repatriation in safety and dignity. Despite continuous discussions in 2005, no change was observed in the status of the nearly 26,000 Mauritanian refugees in Mali and Senegal. In Cameroon, contingency plans were updated, as growing tensions in Chad and the Central African Republic highlighted the need for such preparation.

In Southern Africa, progress was made in safeguarding gender equality and in ensuring respect for the rights of refugee women and children. Another positive development was the repatriation of 52,000 Angolans from the DRC, Namibia and Zambia, organized by UNHCR. UNHCR extended the use of its registration system to more subregional States, which en-

abled a reliable database of refugees to be set up, in order to improve the delivery of assistance and protection, implement durable solutions and underpin the planning of a phased-out strategy. UNHCR was not able to persuade host governments to enact less restrictive refugee legislation to pave the way for sustainable local integration. It was also of notable concern in the subregion that the HIV/AIDS pandemic was not abating, and in that regard, UNHCR focused on protection, rights-based advocacy, prevention, care and treatment, training and capacity-building to address the impact of the disease on refugees and host communities.

**Other developments.** The Executive Council of the AU, at its seventh ordinary session (Sirte, Libyan Arab Jamahiriya, 28 June–2 July), adopted a decision (EX.CL/Dec.127(V) on the situation of refugees, returnees and displaced persons in Africa, by which the member States expressed concern over the persisting problem and undertook to promote mass voluntary repatriation, resettlement and rehabilitation of those affected.

#### GENERAL ASSEMBLY ACTION

On 16 December [meeting 64], the General Assembly, on the recommendation of the Third Committee [A/60/499], adopted **resolution 60/128** without vote [agenda item 39].

#### Assistance to refugees, returnees and displaced persons in Africa

*The General Assembly,*

*Recalling* its resolution 59/172 of 20 December 2004,

*Recalling also* 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,

*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,

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

2. *Notes* the need for African States to address resolutely the root causes of all forms of forced displacement in Africa and to foster peace, stability and prosperity throughout the African continent so as to forestall refugee flows;

3. *Notes with great concern* that, despite all of 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, and calls upon States and other parties to armed conflict to observe scrupulously the letter and spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

4. *Welcomes* decision EX.CL/Dec.197(VII) on the situation of refugees, returnees and displaced persons in Africa adopted by the Executive Council of the African Union at its seventh ordinary session, held at Sirte, Libyan Arab Jamahiriya, from 28 June to 2 July 2005;

5. *Expresses its appreciation* for the leadership shown by the Office of the United Nations High Commissioner for Refugees, and commends the Office 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. *Recognizes* 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, and calls upon States to promote and protect the human rights of all refugees and other persons of concern, paying special attention to those with specific needs, and to tailor their protection responses appropriately;

7. *Reiterates* the importance of the full and effective implementation of standards and procedures, including the monitoring and reporting mechanism outlined in Security Council resolution 1612(2005) of 26 July 2005, to better address the specific protection needs of refugee children and adolescents and to safeguard rights and, in particular, to ensure adequate attention to unaccompanied and separated children and children affected by armed conflict, including former child soldiers in refugee settings, as well as in the context of voluntary repatriation and reintegration measures;

8. *Recognizes* the importance of early registration and effective registration systems and censuses as a tool of protection and as a means to enable the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

9. *Recalls* the conclusion on registration of refugees and asylum-seekers adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fifty-second session, notes the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status, recalls the responsibility of States to register refugees on their territories, reiterates in this context the central role which early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions, and calls upon the Office of the High Commissioner, as appropriate, to help States to conduct this procedure should they be unable to register refugees on their territory;

10. *Calls upon* the international community, including States and the Office of the High Commissioner and other relevant United Nations organizations, within their respective mandates, to take concrete action to meet the protection and assistance needs of refugees, returnees and displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight and facilitating durable solutions for refugees and displaced persons;

11. *Reaffirms* the importance of timely and adequate assistance and protection for refugees, also re-

affirms that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection, notes the importance of a rights- and community-based approach in engaging constructively with individual refugees and their communities to achieve fair and equitable access to food and other forms of material assistance, and expresses concern in regard to situations in which minimum standards of assistance are not met, including those in which adequate needs assessments have yet to be undertaken;

12. *Also reaffirms* that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and burden- and responsibility-sharing among all States;

13. *Further reaffirms* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, and 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 or used for purposes that are incompatible with their civilian character;

14. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, calls upon States of refuge, in cooperation with international organizations, where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers, notes with interest that the High Commissioner has continued to take steps to encourage the development of measures to better ensure the civilian and humanitarian character of asylum, and encourages the High Commissioner to continue those efforts, in consultation with States and other relevant actors;

15. *Deplures* the continuing violence and insecurity which constitute an ongoing threat to the safety and security of staff members of the Office of the High Commissioner and other humanitarian organizations and an obstacle to the effective fulfilment of the mandate of the Office and the ability of its implementing partners and other humanitarian personnel to discharge their respective humanitarian functions, urges States, parties to conflict and all other relevant actors to take all necessary measures to protect activities related to humanitarian assistance, prevent attacks on and kidnapping of national and international humanitarian workers and ensure the safety and security of the personnel and property of the Office and that of all humanitarian organizations discharging functions mandated by the Office, and calls upon States to investigate fully any crime committed against humanitarian personnel and bring to justice the persons responsible for such crimes;

16. *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, notes with interest the result of the Humanitarian Response Review, welcomes the proposals made by the Secretary-General and the General Assembly to strengthen the United Nations humanitarian system, and takes note of deliberations by the Inter-Agency Standing Committee aimed at following up on the Humanitarian Response Review and bringing about greater consistency in the response to humanitarian emergencies;

17. *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;

18. *Reaffirms* the right of return and the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, 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, and welcomes in this regard the conclusion on local integration adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fifty-sixth session;

19. *Also reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return, and recognizes that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin, in particular that voluntary repatriation can be accomplished in conditions of safety and dignity;

20. *Welcomes* the development by the High Commissioner, in cooperation with other United Nations agencies and development actors, of the framework for durable solutions, aimed at promoting lasting solutions, particularly in protracted refugee situations, including the "4Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return;

21. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes that benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives, and recognizes that promoting the self-reliance of refugees from the outset will contribute towards enhancing the ability of refugee communities to become self-reliant, as and when appropriate, with adequate

support from the international community for the host country and the refugees living there;

22. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden- and responsibility-sharing, to the third-country resettlement needs of African refugees, notes in this regard the importance of using resettlement strategically, as part of situation-specific comprehensive responses to refugee situations, and to this end encourages interested States, the Office of the High Commissioner and other relevant partners to make full use of the Multilateral Framework of Understandings on Resettlement, where appropriate;

23. *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;

24. *Urges* the international community, in the 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, inter alia, as a result of repatriation possibilities, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

25. *Encourages* the Office of the High Commissioner and interested States to identify protracted refugee situations which might lend themselves to resolution through the development of specific, multilateral, comprehensive and practical approaches to resolving such refugee situations, including improvement of international burden- and responsibility-sharing and realization of durable solutions, within a multilateral context;

26. *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 encourages the Office of the High Commissioner to continue to explore, with other relevant actors, the feasibility of taking on coordination responsibilities for clusters related to the protection of internally displaced persons, camp management and shelter in conflict situations as part of a broader United Nations coordination effort in support of United Nations humanitarian coordinators, without prejudice to its core mandate of refugee protection and assistance;

27. *Invites* the Representative of the Secretary-General on the human rights of 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;

28. *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 sixty-first 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 ref-



ugees, returnees and displaced persons and humanitarian questions”, and to present an oral report to the Economic and Social Council at its substantive session of 2006.

### **The Americas**

Important developments in North America and the Caribbean during 2005 included efforts by the United States to strengthen its refugee protection capacity through the creation of a new Refugee Corps to guide overseas adjudications for resettlement and the continuing improvement of its procedures for unaccompanied and separated children. Regarding its asylum policy and programmes, however, challenges remained, as legislators called for improved border security and the United States Congress passed legislations further restricting access to United States asylum procedures. The Congress increased, from \$1 million to \$2 million, its funding of the Legal Aid Orientation Programme for detained immigrants, which included refugees and asylum-seekers, and abolished limitations on the numbers of people granted asylum who could become eligible each year for permanent residency. With supplementary resettlement funding allocated by the Government, UNHCR referred 25,000 refugees to the United States, thereby exceeding its target of 20,000 referrals. In Canada, negative publicity in early 2005 of problems in the country’s refugee system, including the failure to remove rejected asylum-seekers and alleged abuse of the asylum system, hardened public attitudes towards affected persons. The challenge for UNHCR and refugee advocates was to find ways to promote a more balanced view of asylum-seekers and counteract their negative portrayal as criminals. In that regard, refugees and others of concern to UNHCR featured prominently in Canada’s new foreign policy statement. Canada achieved its overall government-assisted resettlement target for the year. In the Caribbean, instability in Haiti continued to preoccupy UNHCR, which launched a major contingency planning effort in neighbouring States. It continued to focus on its system of honorary liaison representatives, who played a key role in helping to maintain the rights of individuals seeking asylum. It also focused on refugee status determination and initiatives and made efforts to improve capacity-building there.

Central American countries and Mexico continued to receive a small but steady flow of asylum-seekers from Latin America and beyond, while the refugee population remained relatively stable at some 4,500. The principal durable solution promoted by UNHCR continued to be local integration, through permanent residency and

naturalization. Efforts to improve access to asylum procedures yielded results, with Mexico receiving 687 asylum claims, 70 per cent more than in 2004 and more than twice as many in 2003. UNHCR promoted the protection of asylum-seekers and refugees in countries, such as El Salvador, Honduras and Guatemala. Of particular concern to the Office, was the increasing number of unaccompanied minors within mixed migratory flows. During the year, over 5,500 unaccompanied children, mainly from El Salvador, Guatemala and Honduras were intercepted and returned by Mexican migration authorities. As to urban refugees, UNHCR assisted some of them to find employment and began later in the year to implement its age, gender and diversity mainstreaming strategy, the results of which would be used to strengthen local integration and self-sufficiency strategies in 2006.

A major development in northern South America was the escalating conflict in Colombia, which caused an estimated 500,000 refugees to flee their homes but who did not officially seek protection for fear of deportation or discrimination, or because they were not aware of asylum procedures. UNHCR concentrated on finding solutions for those affected through local integration and resettlement. As the year marked the first year of implementation of the Mexico Plan of Action, launched in 2004 [YUN 2004, p. 1210] for strengthening the international protection of refugees in Latin America, UNHCR aligned its strategy with that of the Plan. Within that framework, UNHCR’s Resettlement Units in Costa Rica and Ecuador referred some 955 refugees to an increasing number of resettlement countries, including Argentina, Brazil and Chile, which had just acquired that status. The community support and integration programmes in border areas helped UNHCR increase its protection presence through access to remote and underdeveloped border communities.

In southern South America, half of the subregion’s 9,200 refugees and asylum-seekers received UNHCR support, with national and local authorities and social networks covering 40 per cent of their needs. Protection networks were strengthened to increase border monitoring and the region expanded its emerging resettlement programme. During the year, UNHCR’s lobbying and advocacy resulted in the drafting or adoption of favourable refugee legislation in many sub-regional States, and the Office facilitated the functioning of national refugee commissions and promoted the implementation of procedures and criteria according to international standards. A number of recommendations to improve refugee status determination procedures were

submitted to subregional Governments, with promising results. In 2005, total UNHCR expenditure in the Americas amounted to \$31.4 million, for a population of concern of 3.2 million.

#### **Asia and the Pacific and the Arab States**

In 2005, UNHCR spent \$82.7 million on activities in Asia and the Pacific, for a total population of concern of 2.2 million. Expenditures for operations in Central Asia, South-West Asia, North Africa and the Middle East amounted to \$165.2 million, for a population of concern of 5.7 million.

#### **South Asia**

In 2005, progress towards solutions in the South Asian subregion was marked by the return of some 27,200 IDPs to their places of origin in Sri Lanka, in addition to 1,200 refugees who repatriated from India, with UNHCR's assistance. To address the protracted situation of Bhutanese refugees in Nepal, the Office encouraged an initiative by a number of subregional Governments to actively engage in finding comprehensive solutions, including the possibility of resettlement. That renewed hope for a revival of negotiations between Nepal and Bhutan, which should help resolve the situation of those refugees. UNHCR also made sustained efforts to define better access to naturalization as a durable solution for Hindu and Sikh Afghan refugees in India. However, the situation of the residual ethnic Afghan refugees remained problematic, highlighting the need for access to resettlement opportunities. A major concern for the Office was the lack of prospects for resolving the protracted situation of an estimated 20,000 refugees in camps in Bangladesh and Nepal. As a subregional priority, in its efforts to find durable solutions for those in need, UNHCR continued to expand its prevention and response capacities to sexual and gender-based violence.

#### **East Asia and the Pacific**

In 2005, UNHCR, increased its cooperation with subregional Governments and made significant progress in providing protection and finding solutions for persons of concern in that subregion. A January Memorandum of Understanding (MOU) signed by UNHCR, Vietnam and Cambodia allowed for the accommodation, for the first time, of the Montagnards (inhabitants of the Central Highlands) from Vietnam seeking asylum in Cambodia. Inside Vietnam, international access was granted to returnees areas, where micro projects were implemented. Elsewhere, the prospects for peace between the Indo-

nesian Government and the Free Aceh Movement paved the way for the eventual return of displaced people to the Province of Nanggroe Aceh Darussalam. There were also positive changes in Thailand and Malaysia, including improved asylum policies and standards, which enhanced the prospects for durable solutions for groups seeking refuge there. In Japan, refugee protection was enhanced through a legal amendment calling for the establishment of basic reception conditions and local integration schemes for refugees other than Indo-Chinese nationals. Progress was also made towards finding solutions for persons of concern in Australia, Papua New Guinea, Republic of Korea, the Philippines and Timor-Leste. Notable concerns in the subregion included the issue of nationals from the Democratic People's Republic of Korea attempting to seek refuge in China and Southeast Asian countries, for whom UNHCR maintained efforts to facilitate safe passage where the option existed. Additional challenges related to refugee status determination and resettlement in Hong Kong, China, and political uncertainty and restrictions to humanitarian agencies in Myanmar.

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

A major development in Central Asia was the cessation of refugee status, declared in December and to be implemented in 2006, regarding Tajik refugees who had fled the civil war in their country between 1992 and 1997. Many of them had been able to integrate into their countries of asylum, 9,500 of whom some were granted citizenship by Turkmenistan, while 3,370 others gained citizenship in Kyrgyzstan. With the support of key resettlement countries, UNHCR found durable solution for Afghan refugees in Central Asia, over 2,000 of whom were resettled in Tajikistan. Thereafter, the local integration of the remaining Afghans in Tajikistan became the priority of UNHCR and the Government. Activities addressing HIV/AIDS and sexual and gender-based violence were streamlined in all UNHCR operations in the Central Asian subregion, and the Office continued to provide legal and medical assistance to persons of concern there and to guarantee education for their children. Despite those achievements, the subregion experienced increasing protection challenges, most notably concerning the growing number of asylum-seekers and refugees, resulting in a highly politicized environment. Deportations and refoulement of those affected took place, in violation of human rights principles and minimum standards of international refugee law. Other challenges related to the Uzbek refugee crisis and

continuing political volatility in much of Central Asia, the absence of national refugee legislation in Kazakhstan and tensions in Kyrgyzstan. In South-West Asia, major developments included the repatriation of over half a million Afghans from Pakistan and the Islamic Republic of Iran, with UNCHR assistance. However, Afghanistan's limited absorption capacity and lack of access to land undermined reintegration for the returnees. Finding that a considerable number of Afghans moved back and forth across borders in the subregion, UNHCR convened strategic consultations with the Governments there, international organizations and interested States, which resulted in an understanding that, while voluntary return would continue, many Afghans would probably remain in the neighbouring countries of asylum.

During the year, North African States witnessed a significant increase in the flow of asylum-seekers and economic migrants in transit from sub-Saharan Africa to Europe. To address better the situation, UNHCR developed a regional strategy to strengthen the institution of asylum in the area by increasing the capacity of national authorities to identify asylum-seekers and refugees among mixed migratory flows. However, structural deficiencies in the protection system in some of those States and UNHCR's limited resources were most evident towards year's end when hundreds of asylum-seekers in North African countries were expelled, including several recognized refugees. Considering that a solution to the plight of the Saharawi refugees in the Tindouf camps in Algeria did not seem imminent, UNHCR continued to assist them, making communication with their communities of origin possible by telephone and family visits. With a few exceptions, only a small number of refugees in North African countries opted for voluntary repatriation, and even fewer were resettled to third countries. Overall, no significant long-term solutions were identified for the asylum and migration problems facing the subregional States.

In the Middle East, the volatile security situation in Iraq remained the dominant issue, leading to uncertainty as to the future of thousands of Iraqi nationals still seeking refuge in neighbouring countries. The reintegration programme implemented during the year improved the conditions of up to 70,000 Iraqi returnees through infrastructure, housing and income generation projects and promotion of reconciliation. In terms of solutions, UNHCR focused on capacity building of local counterparts in the Gulf countries and on the promotion of refugee law, while the countries of the Gulf Cooperation Council (GCC) increased interest in partnership

with the Office. Although refugee status determination in Egypt remained suspended during the year, some 4,000 refugees in the country benefited from the resettlement programme that was implemented during the year. Elsewhere, thousands of Somali and Ethiopian asylum-seekers continued to undertake risky sea journeys to Yemen, where an estimated 78,000 refugees resided. Other concerns included security incidents in Yemen, which affected UNHCR's programme delivery, and several refugee demonstrations that resulted in violent clashes with the authorities and serious security problems in the subregion.

### **Europe**

In 2005, UNHCR's expenditures in Europe amounted to \$108.3 million, for a population of concern of 4.8 million. More than one third of that amount (\$43.6 million) was spent on some 707,809 persons of concern in South-Eastern Europe.

#### *Western, Central and Eastern Europe*

In Western Europe, the downward trend in asylum applications continued, with the region as a whole showing a 14 per cent decrease. France remained the leading asylum destination with an estimated 50,000 asylum claims, although that represented a 15 per cent decrease compared to 2004. The majority of asylum-seekers came from Serbia and Montenegro, which accounted for some 20,000 applications, and Iraq, from where over 10,600 applications were filed. Others were from Bulgaria, China, Colombia, Eritrea, Haiti, Syria, the Russian Federation and Turkey. However, the political environment in Europe continued to resist attempts to stimulate constructive discussion on asylum and protection issues, as Governments maintained focus on irregular migration, the fight against terrorism and the related perception that increased security precautions were necessary. Measures to control migration and increasing doubts in some quarters about how readily non-Europeans would integrate in European society also influenced the consideration of asylum issues. UNHCR continued to cooperate closely with European Union (EU) institutions in addressing the EU's refugee policy and resource mobilization. In February, the High Commissioner and the European Commissioner for External Relations signed a strategic partnership agreement regarding protection and assistance to refugees and other persons of concern in third countries. Following the subsequent adoption of the first-phase asylum instruments at the EU level, focus shifted to the external

dimension of refugee policy, particularly regarding improving protection in regions of origin. In that regard, UNHCR worked closely with the EU and its member States to elaborate concrete proposals. It also promoted and encouraged resettlement possibilities for refugees worldwide in European countries, provided support in the negotiation and implementation of tripartite agreements with several European countries for the return of Afghans, and helped to foster better integration programmes for refugees. Notable concerns for UNHCR related to the process of transforming EU directives into national law in EU countries, which the Office feared might lower standards, as European countries introduced more restrictive laws and administrative provisions for asylum-seekers. UNHCR monitored the process to ensure that asylum-seekers removed from one EU member State to another were not subjected to indirect refoulement owing to differences in standards.

Consistent with the situation in much of Europe during the year, Central Europe and the Baltic States recorded an overall decline of 38 per cent in the number of asylum claims. Slovenia was the only subregional State that witnessed a significant increase, with 1,600 applications, which was 25 per cent more than in 2004. UNHCR's efforts to promote burden sharing and resettlement in the area were bolstered by the resettlement of Uzbek refugees in Finland, Germany, Romania, the Netherlands, the Czech Republic, Sweden, Switzerland and the United States, with further resettlement scheduled in other countries in 2006. UNHCR continued to urge States to accept a broad and inclusive interpretation of the refugee definition, and in assisting them in addressing the complex challenges they faced, sharing lessons learned and best protection practices. Notable challenges and concerns in the subregion related to gaps in the right to access national territory and asylum procedures, inadequate scope for people to present their claim and the quality of decision-making, including the standards of interpretation and application of legal protection. Other concerns included the willingness and ability of EU member States to cope with the pressures they faced from asylum-seekers and the lack of a comprehensive integration strategy and limited expertise within the institutions responsible for refugee integration in the subregion. Such pressures had contributed to overcrowded reception facilities, increased detention of asylum-seekers and an unclear criteria for the imposition of immigration measures.

In Eastern Europe, with UNHCR support, all Governments undertook comprehensive analysis

of the protection situation, aimed at identifying gaps in related capacity. The analysis gave a clear picture of the legislative and administrative institutions involved in refugee protection, established the constraints encountered in each country and constituted the basis for a regional analysis that was subsequently presented to the final meeting of the Commonwealth of Independent States (CIS) Conference process (see below). In Armenia, UNHCR helped analyse gaps in the protection and asylum framework, as well as needs and situations not sufficiently addressed by existing protection activities. It also formulated a burden-sharing strategy on housing solutions involving both governmental and non-governmental partners and assisted the Government in a national re-registration of refugees. In Azerbaijan, where the return of relative political and financial stability had raised hopes for the return of most of the country's IDPs, UNHCR and the Government took steps to design a return plan. In Belarus, the Republic of Moldova, and Ukraine, UNHCR continued to support governmental efforts to establish adequate reception facilities and advocated and facilitated the local integration of refugees as a durable solution. In the course of the year, the asylum authorities in those countries processed approximately 2,000 new asylum claims. In Ukraine in particular, UNHCR was engaged with the legal integration of formerly deported persons, of whom some 3,100 who had returned became naturalized citizens. In Georgia, where 235,000 IDPs lived in difficult conditions owing to the country's two unresolved internal conflicts, over 100 refugees were resettled in third countries and UNHCR continued to seek expanded resettlement opportunities for those who had no other durable solutions. It also urged the Government to promote local integration, including through granting citizenship or permanent residency to Chechen refugees with strong family ties in the country.

#### Follow-up to the 1996 Conference of CIS countries and neighbouring States

In response to General Assembly resolution 58/154 [YUN 2003, p. 1240], the Secretary-General submitted an August report [A/60/276] on follow-up to the 1996 Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States [YUN 1996, p. 1117]. The report provided information on progress in implementing the Conference's Programme of Action, the process of which was concluded in 2005 with a final meeting (see below). It concluded that, dur-

ing the 10-year duration, the process had been successful in fulfilling many of the original goals by developing strategies and practical tools for more effective capacity-building and programme enhancement; promoting adherence to international standards and practices; and facilitating cooperation through partnerships at the regional and international levels. A second generation of intervention was being witnessed, informed by the full range of interests in the EU and by an overhauled global security agenda.

**Final meeting of CIS Conference Process.** The final meeting of the CIS Conference Process (Geneva, 10 October), held to conclude the ten-year initiative, adopted a final statement and considered a possible new framework for Euro-Asian cooperation on migration, asylum and displacement issues.

#### *South-Eastern Europe*

During the year, UNCHR provided protection and facilitated durable solutions for a total of some 600,000 people in South-Eastern Europe, of whom 164,000 were refugees and 436,000 IDPs. While that represented a significant drop from the 2004 total of some 870,000 people, the reduction had occurred almost entirely in the number of refugees and IDPs displaced by the conflicts in Croatia and Bosnia and Herzegovina, while the number of IDPs in Kosovo (Serbia and Montenegro) remained more or less stable at some 250,000. Persistent inter-ethnic violence in Kosovo, uncertainty over the province's future, unresolved disputes over property, restricted

freedom of movement and limited access to basic services continued to hamper the return and sustainable integration of ethnic minorities originating from there. Only 2,500 returned in 2005, and the appointment of a Minister for Returns within the Kosovo Provisional Institutions of Self-Government did not result in significant positive change. Returns to Bosnia and Herzegovina decreased sharply in 2005 from 20,400 the previous year to 6,400 just as repatriation to Croatia from Serbia and Montenegro and Bosnia and Herzegovina decreased from approximately 7,500 in 2004, to nearly 5,300 in 2005. However, there was substantial local integration and naturalization of refugees from Croatia and Bosnia and Herzegovina in Serbia and Montenegro. At the regional level, UNHCR implemented the asylum component of the European Community Assistance for Reconstruction, Development and Stabilization project in Albania, Bosnia and Herzegovina, Croatia, The former Yugoslav Republic of Macedonia and Kosovo (Serbia and Montenegro). By so doing, the Office contributed to building the capacity of middle-level decision makers, NGOs and judges, and also strengthened regional cooperation on asylum issues and ensured the adoption of country progress reports. During the year, Ministers from Bosnia and Herzegovina, Croatia and Serbia and Montenegro signed the Sarajevo Declaration, by which they committed their countries to working together to solve outstanding displacement problems by the end of 2006.