

ADDENDUM
TO THE
REPORT
OF THE
UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTIETH SESSION

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NOTE

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[10 January 1986]

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United Nations High Commissioner for Refugees on the work
of its thirty-sixth session
(Geneva, 7-18 October 1985)

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REPORT OF THE EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED
NATIONS HIGH COMMISSIONER FOR REFUGEES ON THE WORK OF ITS
THIRTY-SIXTH SESSION*
(Geneva, 7-18 October 1985)

I. INTRODUCTION

1. The Executive Committee of the programme of the United Nations High Commissioner for Refugees held its thirty-sixth session at the Palais des Nations at Geneva from 7 to 18 October 1985. The session was opened by the outgoing Chairman, Mr. F. Mebazaa of Tunisia, who reviewed in an introductory statement some of the major concerns of his tenure. He referred, in particular, to the recent emergency in Africa and endorsed the appeal of the High Commissioner for funds to meet urgent needs in that continent. He also referred to seminars, round tables and meetings of working groups in which the work of the Office of the United Nations High Commissioner for Refugees (UNHCR) had been discussed in depth.

2. The outgoing Chairman underlined the increasingly close links between UNHCR and the Executive Committee, with regular informal sessions, periodic letters from UNHCR Directors, and the inclusion of a report by the High Commissioner on action taken on the decisions of the Executive Committee, all of which had permitted greater rationalization of the activities of UNHCR. In his view, this co-operation offered the best prospect for ensuring continued improvements in the work of UNHCR. Mr. Mebazaa concluded by expressing his thanks to all those who had supported and facilitated his work as Chairman.

A. Election of officers

3. Under rule 10 of the rules of procedure, the Committee elected the following officers by acclamation:

<u>Chairman</u>	Mr. K. Chiba (Japan)
<u>Vice-Chairman</u>	Mr. H. Charry-Samper (Colombia)
<u>Rapporteur</u>	Mr. E.-E. Mtango (United Republic of Tanzania)

B. Representation on the Committee

4. The following members of the Committee were represented at the session:

Algeria	Canada
Argentina	China
Australia	Colombia
Austria	Denmark
Belgium	Finland
Brazil	France

* Previously issued under the symbol A/AC.96/673.

Germany, Federal Republic of
Greece
Holy See
Iran (Islamic Republic of)
Israel
Italy
Japan
Lebanon
Lesotho
Madagascar
Morocco
Namibia (represented by the United
Nations Council for Namibia)
Netherlands
Nicaragua

Nigeria
Norway
Sudan
Sweden
Switzerland
Thailand
Tunisia
Turkey
Uganda
United Kingdom of Great Britain and
Northern Ireland
United Republic of Tanzania
United States of America
Venezuela
Yugoslavia

5. The Governments of the following States were represented by observers:

Angola
Belize
Bolivia
Botswana
Burundi
Cameroon
Chile
Congo
Costa Rica
Cuba
Cyprus
Democratic Kampuchea
Democratic Yemen
Djibouti
Ecuador
Egypt
Ethiopia
Guatemala
Honduras
India
Indonesia
Iraq

Ireland
Libyan Arab Jamahiriya
Luxembourg
Malaysia
Mexico
Mozambique
New Zealand
Pakistan
Peru
Philippines
Portugal
Rwanda
Senegal
Somalia
Spain
Swaziland
Syrian Arab Republic
Uruguay
Viet Nam
Yemen
Zambia

The Sovereign Order of Malta was also represented by an observer.

6. The United Nations system was represented as follows: The United Nations Secretariat, Office of the United Nations Commissioner for Namibia, United Nations Office for Emergency Operations in Africa, Office of the United Nations Disaster Relief Co-ordinator (UNDRO), United Nations Industrial Development Organization (UNIDO), United Nations Centre for Human Settlements (Habitat), United Nations Development Programme (UNDP), United Nations Volunteers (UNV), World Food Programme (WFP), International Labour Organisation (ILO), Food and Agricultural Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO) and the World Bank.

7. The following intergovernmental organizations were represented by observers: Commission of the European Communities, Council of Europe, Intergovernmental Committee for Migration, League of Arab States and Organization of African Unity.

8. A total of 88 non-governmental organizations were represented by observers, including the International Council of Voluntary Agencies (ICVA), the International Committee of the Red Cross (ICRC) and the League of Red Cross and Red Crescent Societies.

9. The African National Congress of South Africa (ANC), the Pan-Africanist Congress of Azania (PAC) and the South West Africa People's Organization (SWAPO) were also represented at the meeting.

C. Adoption of the agenda

10. The Executive Committee decided to adopt the following agenda:

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda and other organizational matters.
4. General debate.
5. Action taken on decisions by the Executive Committee.
6. International protection.
7. Status of contributions and overall financial requirements for 1985 and 1986.
8. Refugee aid and development.
9. Field affairs.
10. Role of UNHCR in promoting durable solutions.
11. UNHCR assistance activities.
12. Administrative and financial matters.
13. Amendment to the rules of procedure.
14. Additional conference resources for the Executive Committee.
15. Consideration of the provisional agenda of the thirty-seventh session of the Executive Committee.
16. Any other business.
17. Adoption of the draft report of the thirty-sixth session.

D. Opening statement by the Chairman of the Executive Committee

11. In taking the chair, the newly-elected Chairman, Mr. K. Chiba, expressed his profound gratitude and his determination to do his utmost to respond to the trust placed in him. He also paid tribute to the outgoing Chairman, the High Commissioner and the Secretariat, as well as to the 1985 Nansen Medal laureate, Cardinal Paulo Evaristo Arns.
12. The Chairman drew the Committee's attention to the unprecedented financial crisis facing UNHCR and urged both donor and recipient countries to prepare for necessary action. Noting the possibility that further contributions would be announced during the session, he invited UNHCR to take steps to improve its management in order to overcome the difficult situation. He also praised the UNHCR Staff Council's initiative to give one day's salary towards the 1985 General Programmes.
13. Describing international protection as one of the pillars of the work of UNHCR, the Chairman commended the efforts to formulate new rules of conduct in respect of the irregular movements of refugees and asylum-seekers. He deplored the continuing military and armed attacks upon refugees in camps and settlements or at sea and expressed his support for the Rescue at Sea Resettlement Offers (RASRO) scheme. He urged Governments to co-operate with UNHCR in providing protection to refugees.
14. In respect of assistance, the Chairman felt that new methods were necessary to ensure the cost-effectiveness of assistance activities, with emphasis on implementing the most urgent programmes and on strengthening evaluation systems. In addition, the linkage between refugee aid and development and the promotion of durable solutions, particularly voluntary repatriation, had to be taken into account. The Chairman referred to the Committee's responsibility for approving the 1985 (revised) and 1986 (initial) programmes. The need for emergency preparedness and for paying special attention to vulnerable refugee groups was also stressed.
15. The Chairman concluded by commending the dedicated UNHCR staff in the field who were carrying out their humanitarian tasks, often under difficult conditions.

II. GENERAL DEBATE

(Item 4 of the agenda)

16. Congratulations were extended by all speakers to members of the bureau upon their election. Appreciation was also expressed for the work of the outgoing bureau and, in particular, for the past leadership of the Chairman.
17. In responding to the opening statement of the High Commissioner, which is attached as annex I to the present report, speakers paid tribute to the progress achieved under his guidance in refugee protection and assistance during the preceding eight turbulent years. Representatives expressed warm appreciation of the contents of the statement and commended the humanitarian and personal qualities the High Commissioner had brought to his difficult tasks during his period of office. The dedication of both the High Commissioner and his staff to the refugee cause was widely praised.
18. A number of speakers referred to the mandate of the High Commissioner and, in particular, to its humanitarian and apolitical character, which they considered the cornerstone of the Office's activities. One speaker remarked that though UNHCR was a temporary organization, there was little doubt that the refugee problem would last a long time. He urged recognition of the fact that temporary refugee burdens could become long-term ones. The fortieth anniversary of the United Nations was recalled by many speakers, who stressed the importance of collective action to safeguard the principles UNHCR was established to promote. While one speaker described UNHCR as irreplaceable, some representatives expressed concern that the mandate of UNHCR was being over-extended. Recently, the Office had been judged by its capacity to extend assistance to persons who were not within its mandate; to contend with the needs of so many groups was more than could be expected of any single organization.
19. At the same time, many speakers commented on the need to tackle the root causes of mass exodus since an understanding of these causes could help reduce the impact of refugee problems. It was urged that efforts be pursued in appropriate forums to prevent, reduce or even reverse refugee flows, for it was important to view each intervention of the international community in a two-fold aspect, one political and the other humanitarian. One representative pointed out that apart from political factors and violations of human rights, harsh living conditions and socio-economic factors also played a role in provoking refugee movements. These could be redressed in the countries of origin, which had a greater responsibility for ending the exodus than countries of asylum. Another speaker felt that UNHCR, through its humanitarian action, could play a role in bringing about a dialogue between the parties concerned and a process of conciliation. He suggested, for instance, the appointment of regional representatives or tri-partite commissions.
20. Deep concern was unanimously expressed about the financial crisis facing UNHCR, which representatives saw as the single most important problem confronting the Executive Committee. Many speakers urged the international community to respond to the High Commissioner's appeals for funds to permit him to maintain the required levels of refugee assistance. They drew the attention of the Committee to the severe consequences for refugees, particularly those in developing countries, if these appeals were not heeded. Funds allocated for emergency relief could not compensate for shortfalls in General Programmes. A number of speakers emphasized

that UNHCR assistance should not be confined to relief and should take medium-term and long-term needs into account. Others spoke of the need to review levels of material assistance and endorsed measures taken by the High Commissioner to revise the approved budgets for 1985. Those speakers felt that UNHCR had to improve management practices, which would result in increased efficiency and cost-effectiveness and could reduce the need for additional funds. One delegation was particularly concerned about structural budgetary problems revealed by the crisis and asked the High Commissioner to adapt his planning system to new realities; in appropriate cases, priorities could be set to guide the implementation of programmes. A number of delegations stressed the need to plan programmes in such a way so as to reflect the mandate of UNHCR, and some delegations indicated that they were ready to participate in such a process in an advisory role. One representative, however, pointed out that it was not enough for Governments to urge UNHCR to manage its programmes better; the provision of adequate assistance to refugees was part of the collective responsibility of Governments. Another mentioned that the total budget of UNHCR was less than the global amount spent in one hour on arms. Many speakers stated that, in making reductions in programmes, UNHCR had to maintain basic life-sustaining assistance, particularly in the areas of health, nutrition, water supply and basic education. Others found cuts in durable solutions programmes unacceptable. One delegation questioned the technical premises behind the budgetary cuts made in his country's programme; another stated that the correct solution to the problem was to raise more funds, not to reduce the level of programmes.

21. Several speakers declared that though the Executive Committee enjoyed the privilege of approving UNHCR programmes without any corresponding obligation to finance them, Governments had a duty to support the High Commissioner's efforts to resolve the financial crisis. A number of delegations pointed out that contributions for refugee assistance over the years had been remarkably generous. Many spoke of their Governments' continued support for UNHCR and several announced specific new contributions for UNHCR programmes, while others mentioned that such contributions were being favourably considered by their Governments. Some speakers urged UNHCR to explore new sources of funding, particularly in the private sector, by appeals through non-governmental organizations and the mass media. Efforts to broaden the donor base and enhance contributions from smaller donors were also advocated: around 80 per cent of the budget of the High Commissioner was at present financed by 9 or 10 donor countries and this had to change. The view was expressed that Governments had to contend with considerable claims on their strained humanitarian aid budgets and that the unprecedented demands of the African emergency had been met with funds which might otherwise have been contributed to the General Programmes of UNHCR. One representative drew attention to the gap between what the international community expected UNHCR to do and the resources provided to it. Another speaker suggested that a stricter interpretation of the mandate of UNHCR, limiting assistance programmes and emphasizing the search for durable solutions would help avoid future financial crises. Others stressed the importance of earmarking funds for refugee assistance and for restructuring donor budgets better to meet refugee needs. The need for making early pledges and payments of contributions was emphasized; several delegations declared their intention of announcing larger contributions at the annual UNHCR pledging conference in New York and urged other donors to do likewise. Though some uncertainty was expressed about prospects for funding the 1986 programmes, one representative felt the target should be approved and a special session of the Executive Committee convened if necessary around April 1986 should funding problems arise.

22. Many speakers expressed their appreciation of the appeal of the UNHCR Staff Council to all staff to donate one day's salary to the General Programmes of UNHCR. They stated that this gesture reflected the dedication and commitment of UNHCR staff to the work of the Office.

23. Referring to recent developments in refugee assistance, speakers focused largely on the emergency situation in Africa and the severe additional burdens this had placed on UNHCR and the international community as well as the setback it represented in the search for durable solutions. The mass movements of large numbers of refugees and displaced persons had been complicated by what one speaker described as the worst drought to have hit the region in the last 50 years. While many speakers paid tribute to the achievements of UNHCR and other United Nations agencies and non-governmental organizations in saving lives in Africa, much remained to be done; durable solutions had not yet been possible for some old groups of refugees even as new groups continued to arrive. Some speakers warned of the risk of new refugee flows from South Africa; in this connection, two representatives called for increased pressure on South Africa to withdraw from Namibia. The refugee situation in Central America had also worsened. On the other hand, representatives saw a certain stabilization in the programmes for Afghan refugees in South-West Asia and for Indo-Chinese refugees in South-East Asia, though both situations continued to cause concern. The need for durable solutions to each of these problems, in particular through voluntary repatriation and resettlement in appropriate cases, was also mentioned by several speakers.

24. Several delegations whose countries hosted significant refugee populations reported in some detail on the specific influxes affecting their countries and the social, economic, environmental, political and security problems these had created. Reference was made to the "developmental crisis" in the midst of which certain countries, particularly in Africa, were coping with refugee emergencies. A number of representatives recalled the principles of international solidarity and burden-sharing which have animated the work of the High Commissioner and urged States to assist countries of first asylum in meeting their considerable obligations. The role of these asylum States was warmly commended and two speakers suggested that the definition of the term "donor" should be broadened to include the countries of asylum which had donated land, resources and services. One speaker felt that, since nearly half the world's refugees were in Africa, that continent should play a larger role in refugee affairs.

25. All speakers referred to the importance of attaining durable solutions to the plight of refugees and commended UNHCR for bearing this objective in mind even in the midst of emergency action. The increasing percentage of UNHCR resources allocated to durable solutions was widely welcomed. In this context, a number of delegations highlighted the need to promote voluntary repatriation as the most desirable solution to refugee problems. They were encouraged by the deliberations of the round table on that subject held at San Remo, Italy, which provided a framework for the active pursuit of voluntary repatriation. Some speakers mentioned their appreciation of local income-generating and integration activities, such as those benefiting Afghan refugees in Pakistan. However, one representative pointed out that this kind of activity reflected his country's moral commitment to the refugees rather than its capacity to absorb them. In the view of one representative, regional solutions were preferable to the movement of asylum-seekers outside their region; another stated that asylum countries deserved all possible support to provide durable solutions as near as possible to the country of origin. One speaker was, however, of the view that since refugee

problems were largely in developing countries, resettlement remained a necessary and feasible solution. Tribute was paid by many speakers to the efforts made over the years to resettle Indo-Chinese refugees. One speaker urged that resettlement processes should be speeded up in order to minimize problems for refugees and countries of first asylum. One delegation announced a new number of resettlement places for Vietnamese refugees from Hong Kong and urged other countries to follow this initiative by also taking additional numbers of Vietnamese refugees from Hong Kong. Some delegations representing countries of resettlement, while stressing the limits to their absorption capacity and the need to balance resettlement with other durable solutions, reiterated their Governments' willingness to continue accepting refugees for resettlement, particularly those who were most in need of this solution and in the context of family reunification. Special concern was also expressed for unaccompanied minors, handicapped refugees and long-stayers in the camps. At the same time delegations cautioned against what they saw as unrealistic expectations regarding the resettlement capacity of a small group of traditional immigration countries. Where no durable solution was immediately evident, speakers pointed to the need to promote self-sufficiency in refugee camps. One speaker stressed that the international community should not only provide for the most urgent needs of refugees by finding ad hoc remedies, but should also review, on a world-wide scale, its policies and programmes, especially in protracted refugee situations.

26. The link between refugee aid and development was touched upon by many speakers, who referred in particular to the first and second International Conference on Assistance to Refugees in Africa which had marked the shift of emphasis from emergency aid to development assistance and had introduced the concept of additionality in refugee aid to developing countries. There was widespread recognition of the fact that the contemporary refugee burden had fallen with particular weight on countries confronted with their own problems of development, who were themselves victims of the global economic crisis and who needed the help of the international community to cope with the additional responsibilities. In a number of countries, UNHCR assistance needed to go beyond basic relief to structural assistance. In this context, one representative mentioned the importance of social and economic infrastructure in managing refugee programmes and the problems created in this area when UNHCR withdrew from refugee settlements. He suggested that when settlements were handed over to host Governments, their inhabitants were still refugees and UNHCR should not abandon its responsibilities towards them; it should rather share its role and responsibilities with the Government until the refugees eventually were repatriated or became citizens of the country concerned. Some speakers urged that local inhabitants as well as refugees be fully integrated into refugee projects funded by UNHCR and non-governmental organizations; the needs of local populations, who were often deprived of services which were available to the refugees, had to be taken into account. UNHCR co-operation with other international organizations in this field was praised and particularly its collaboration with the World Bank in a project benefiting Afghan refugees in Pakistan. One speaker commended the High Commissioner personally for his role in forging the link between refugee aid and development during his tenure.

27. All speakers alluded to the crucial importance of international protection in the activities of the High Commissioner's Office. Several pointed out that a number of serious protection problems remained unsolved. Particular concern was expressed about the physical safety of refugees in the face of military attacks, piracy, refoulement, policies of "humane deterrence", detention, attacks on women and the continuing reluctance to rescue refugees at sea.

28. The issue of military attacks on refugee camps was raised by many speakers, both in regard to the unresolved discussions in the Sub-Committee of the Whole on International Protection and the Working Group on the subject, whose efforts were commended, as well as in regard to specific incidents, notably the raids on refugees and civilians in Angola and Botswana and the incidents at the Colomoncagua refugee camp in Honduras and on the Thai-Kampuchean frontier, in all of which refugee lives were lost. Speakers deplored such attacks and hoped that it would be possible for agreement to be reached during this session of the Executive Committee on an appropriate resolution on the subject especially since the General Assembly in its resolution 39/140 of 14 December 1984 had already pronounced itself in a manner which could serve as a useful guideline. Several speakers stated that with greater goodwill on all sides an agreement need not prove elusive on this important subject, on which work had begun as long ago as September 1981. A number of speakers stressed that the essential task was to condemn such attacks whenever and wherever they occurred; a number of others rejected this approach, stating that the responsibilities of refugees and asylum States had also to be taken into account. One representative stated that there was a need to protect the rights of refugees and to prevent military attacks on refugee camps and settlements and at the same time to impose corresponding obligations on the refugees, among which was the need to conduct themselves peacefully and without recourse to arms with respect to both the country of origin and the country of asylum. One representative stated that in this respect the principles anchored in the 1969 OAU (Organization of African Unity) Convention Governing the Specific Aspects of Refugee Problems in Africa 1/ should be applied to refugee camps all over the world. Another representative suggested that the issue should be resolved in other forums, in order not to embroil UNHCR in political conflict. In the same context, some representatives called for UNHCR, in co-operation with the United Nations Border Relief Operation (UNBRÖ) and the International Committee of the Red Cross (ICRC), to explore all possibilities of extending protection to the vulnerable groups on the Kampuchean frontier, without prejudice to their eventual return. In respect of the Colomoncagua incident, one representative wished to dispel what he saw as a misrepresentation of the incident, which in his view was not a military attack.

29. In relation to the Israeli raid on Tunisia, several delegations considered that this air raid was aggression, and some speakers described it as an act of state terrorism, contrary to all the rules and norms of international law as well as the Charter of the United Nations. They added that it would seriously aggravate the situation of exiles and refugees in the world at a time when the international community was making all efforts to provide the necessary protection to refugees and asylum-seekers whoever and wherever they were. The Tunisian delegation refuted allegations regarding the nature of the Palestinian civilian installations, denying categorically the existence of an alleged extra-territorial enclave in the country and underlining the exclusively civilian character of the agglomeration of Hamman-Chatt which was bombarded by Israel. In this respect, the representative of Israel stressed that the air raid on the operational headquarters of the Palestine Liberation Organization (PLO) had nothing to do with refugees or with refugee matters, since it was aimed exclusively against terrorists. He also stated that the raid was not aimed against Tunisian sovereignty, but since the Tunisian Government would not - or could not - assume its duties in conformity with international law and practice, Israel had to make use of its inherent right to self-defence.

30. The issue of the irregular movements of refugees was also commented upon by several speakers, who feared that the phenomenon could have a negative impact upon

the traditional practice of asylum. Some referred to the fact that many of the asylum-seekers concerned lacked documentation, had falsified it or had destroyed or disposed of it upon arrival. Appreciation was expressed for the report of the consultant which had provided a useful basis for the discussions of the Sub-Committee on this subject. One representative felt that there was no single solution to the problem; rather, a number of existing conclusions and decisions of the Executive Committee had to be applied more vigorously. Several representatives expressed doubt as to the bona fide nature of many of the asylum-seekers involved in these movements. They felt that if the matter was not tackled, there was the risk of an adverse reaction from the public at large which would have negative consequences for genuine refugees. Several representatives, while recognizing that manifestly unfounded or abusive asylum applications were unacceptable, recalled that such applications constituted the minority as shown by the consultant's study on irregular movements. They expressed concern that such applications could be used as a pretext for a negative approach which could have adverse consequences for the institution of asylum. One speaker stressed the importance of adequate protection and assistance measures in the countries of first asylum. The consultations on the arrivals of asylum-seekers and refugees in Europe convened by the High Commissioner in May 1985 were mentioned in this context and several speakers felt that the High Commissioner's summation on that occasion could serve as a point of departure for follow-up action on the matter.

31. A number of speakers welcomed the special attention being paid to the protection problems of refugee women, who in their view were a particularly vulnerable group and subject not only to violations of their physical and moral integrity but to discrimination as well. One speaker urged the High Commissioner actively to follow up the decisions of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace 2/ and also to include refugee women in projects that would involve them in community leadership and self-reliance activities. Several representatives noted that women and children represented the majority of refugees and that the totality of their needs should be taken into account when planning and implementing assistance programmes. These speakers urged UNHCR to focus on vocational and other training programmes as well as income-generating activities aimed at ensuring the self-reliance of refugee women and their families. Some speakers encouraged the strengthening of a focal point within UNHCR for women's programmes and called for increased collaboration with other agencies concerned with the special needs of women.

32. A number of speakers expressed their support for the continuation of the Anti-Piracy Arrangement established by the Government of Thailand and welcomed reports of the declining percentage of attacks on refugees at sea. Some representatives urged further action, including the prosecution of offenders. One delegation pointed out that the suppression of piracy was not easy, and that like other crimes it could only be contained or deterred. The launching of the RASRO scheme to facilitate resettlement of refugees rescued at sea was welcomed by many delegations; one speaker welcomed the improving rates of rescue at sea and indicated that his Government would favourably consider the scheme's further extension. A few speakers, while welcoming the above programmes, cautioned that there were no grounds for complacency: vessels still continued to bypass refugees and pirates still attacked them. Support was also expressed for the Orderly Departure Programme from Viet Nam.

33. As regards general principles, many speakers emphasized the importance of asylum. Some representatives of host countries affirmed that, despite the problems posed by large influxes of refugees, including that of military attacks upon these refugees, they would continue their asylum policies. Others recalled the provision in article II of the 1969 OAU Convention that the granting of asylum was a peaceful and humanitarian act which was not directed against any other State. Several speakers referred to problems that had arisen as the result of too strict an application of the "classic" refugee definition. Many delegations expressed concern at restrictions on the granting of refugee status to asylum-seekers, recently introduced in some countries, and felt that this undermined the principle of burden-sharing. Several speakers hailed the Cartagena Declaration on Refugees and stated that their Governments fully subscribed to its principles. A number of representatives welcomed accessions in recent years to the 1951 United Nations Convention relating to the Status of Refugees 3/ and the 1967 Protocol 4/ and the removal by certain States of the geographical limitation therefrom. They hoped that these international instruments would soon be universally adhered to. The same hope was expressed by one delegation in relation to the two 1977 Protocols additional to the Geneva Conventions of 1949, 5/ which enhance the legal protection of the civilian population, including refugees, in times of armed conflict. Several speakers expressed appreciation of the deliberations of various meetings and seminars on the question of protection, such as the Addis Ababa seminar on refugees from South Africa and the San Remo meeting on voluntary repatriation, which had contributed to the development of international refugee law.

34. Several delegations congratulated the winner of the Nansen Medal for 1985, Cardinal Paulo Evaristo Arns. One speaker described the award as a symbol of the recognition of the efforts of the Catholic Church to help refugees in Latin America.

35. In the context of the funding crisis, a number of delegations referred to constructive criticisms and proposals which had been made, particularly in the Sub-Committee on Administrative and Financial Matters, regarding programme management and delivery. The strict application of financial and budgetary controls by UNHCR and its implementing partners as well as a better transparency of information relating to management was specifically mentioned by several speakers; however, one speaker cautioned against a duplication of auditing and inspection measures while another suggested that this question should be referred to United Nations Headquarters in New York for consideration. A few delegations were concerned by the imposition of conditions by recipient countries, particularly in the form of unfavourable exchange rates, import duties and procurement restrictions. They stressed that it was essential for UNHCR to be given the most favourable and non-discriminatory treatment. In this context, one representative explained his country's exchange rate policies and stressed that nothing should be allowed to prejudice refugee assistance. Some speakers questioned whether UNHCR had reacted quickly enough to the impending financial crisis; had it done so earlier, the later drastic cuts might have proved unnecessary. Certain representatives suggested that while the Executive Committee could not set priorities for UNHCR, this had to be done by the Office itself; others felt strongly that the establishment of such priorities among UNHCR programmes would not be appropriate.

36. Some representatives stressed the need to strengthen emergency preparedness of UNHCR and particularly its initial response capacity, which they felt had been sorely tested in the recent African crisis. High standards of cost-effective management were required and in the view of one representative the crucial question

was no longer whether UNHCR should be operational, but how well its operations were directed. Several speakers expressed support for improvements in the evaluation system. One representative stated that while the system was welcome, it should be based on defined criteria which could also guide implementing agencies and supervisors.

37. Welcoming progress in various areas of UNHCR management, a number of speakers emphasized the importance of the field establishment and urged greater redeployment and decentralization as well as a predictable and equitable policy of rotation. Some representatives pointed to suggestions in this respect which had been made in the recent report of the Joint Inspection Unit (see A/40/135). Other speakers commended the statement of the Chairman of the Staff Council in which he indicated that some useful ideas had not yet been fully implemented and expressed the hope that further attention would be paid to problems mentioned by the Council. Some representatives expressed the Committee's readiness to advise the High Commissioner further in the area of administration and management. One representative pointed to the inadequacies of salary scales in field duty stations but admitted that this problem could not be resolved by the Executive Committee. The under-representation of women professionals in UNHCR, particularly in senior management, was criticized and increased efforts to recruit women were urged. One delegation called for a gradual rectification of the geographical imbalance when new appointments were made to senior posts in UNHCR. The recent opening of new UNHCR offices was welcomed by certain delegations.

38. One representative again welcomed the appointment of the Director of Field Affairs and looked forward to his report on his activities in the course of the year. Another speaker expressed the view that the Director had a major role to play in ensuring greater delegation of authority to the field.

39. A large number of speakers expressed their support for greater co-ordination of activities between UNHCR and other agencies of the United Nations system, other international organizations and non-governmental organizations. UNHCR co-operation with the Office for Emergency Operations in Africa was referred to by several speakers in this context; one representative hoped that inter-agency co-ordination would be enhanced now that the African emergency had entered a consolidation phase. Another speaker regretted the lack of information about such co-ordination. One representative felt that a number of problems could have been avoided through better and earlier co-ordination; UNHCR is not the only agency in the field when a crisis strikes. Several representatives stressed the importance of public opinion in the work of UNHCR and urged the Office to take steps to keep the public aware of important refugee issues, through the mass media as well as through non-governmental organizations, who were among the most important partners of UNHCR. Many delegations paid tribute to the work of non-governmental organizations in their own countries and abroad. One speaker announced a new contribution from a non-governmental organization in his country to permit the publication of the December issue of the UNHCR magazine "Refugees", which had originally been cancelled in view of the financial crisis. Another called for closer co-operation between UNHCR and governmental agencies in host countries.

40. Several speakers congratulated the Secretariat for the comprehensiveness and clarity of the documentation provided for the session. The increased scope of the document entitled "Action taken on decisions of the Executive Committee" (A/AC.96/665) was welcomed by one representative. The provision of documentation in additional languages this year was appreciated by some speakers.

41. A number of delegations expressed their conviction that the spirit of dedication and co-operation would continue to characterize the work of the Executive Committee, which was humanitarian and non-political, and that the session would produce viable solutions to pressing problems. At a time of crisis, the Committee had to rise to the challenge to enable the High Commissioner to fulfil his mandate effectively. One speaker wished to enhance the role of the Executive Committee in the Office's work and felt it would be beneficial not only to both parties but also to refugees, as had already been seen in the work of the Sub-Committee on International Protection.

42. A statement was made by the observer of OAU, who spoke of the ever-rising tide of refugees on his continent whose distress had been further complicated by drought and natural disaster. A number of refugee groups had settled spontaneously and constituted cases of disguised poverty, placing added strains on nations among the least developed in the world, who were none the less making sacrifices in a spirit of international solidarity and burden-sharing. The unexpected dimensions of the problems of millions of people displaced as a result of drought and famine had disrupted the projects approved at the Second International Conference on Assistance to Refugees in Africa; 6/ yet the emergency conditions only underscored the necessity for these projects to be implemented effectively. In addition, the observer described the suffering caused by the policies and military attacks of the apartheid régime of South Africa. He then outlined the measures undertaken collectively by African Governments to tackle the refugee situation in Africa. The OAU Council of Ministers had also examined the root causes of African refugee flows and appealed to member States to promote racial, ethnic, religious and political harmony. It had also called upon the international community to redouble its assistance to countries of asylum as well as to countries of origin in order to promote the rehabilitation of returnees. Another speaker called upon OAU member States to ratify both the 1969 OAU Convention on refugees and the African Charter on Human and Peoples' Rights.

43. The observer representing the Council of Europe addressed the meeting, which the Council was attending after several years absence. He commented on the financial crisis facing UNHCR and mentioned that the parliamentary assembly of the Council had frequently urged Governments and parliaments to maintain and if possible increase their contributions to UNHCR. Referring to the growing complexity of world refugee problems, he stressed the vital importance of human rights and described the progress made by institutions of the Council in formulating new and far-reaching legal standards in this area.

44. The observers of three national liberation movements, ANC, PAC and SWAPO, made statements expressing their appreciation of the support given to assistance projects for refugees associated with their respective movements. They described their pressing needs and called upon the High Commissioner and the international community to provide more humanitarian material assistance. Serious concern was expressed by all three observers at the continued military attacks by South Africa against refugee camps and settlements.

45. Observers from the Office for Emergency Operations in Africa and the United Nations Volunteers, as well as those representing four non-governmental organizations - ICVA, ICRC, the League of Red Cross and Red Crescent Societies and the World Muslim Congress - described their activities in the refugee field and their co-operation with UNHCR.

46. The Deputy High Commissioner addressed the meeting on the subject of the Second International Conference on Assistance to Refugees in Africa, in view of concerns expressed on the funding of projects approved at the Conference. He mentioned that the Steering Committee of the Conference continued to function and that responsibility for the secretariat of the Steering Committee had been assumed by the United Nations Development Programme (UNDP) in New York. He informed representatives that projects approved at the Conference under paragraphs 5 (b) and 5 (c) of General Assembly resolution 37/197 of 18 December 1982 were still being implemented, though the needs of the African emergency had delayed implementation. He appealed for the funding and fulfilment of commitments and plans of the Conference as an important element linking refugee aid and development.

47. In closing the general debate, the High Commissioner thanked the Executive Committee for its clear reaffirmation of support to the humanitarian work of his Office. He had listened closely to all 55 interventions and had found the debate most inspiring and helpful. The High Commissioner expressed his gratitude to donor countries for their further commitments to help UNHCR overcome its financial crisis; to host countries for keeping their doors open in spite of their own enormous difficulties and which in many cases had borne the largest share of the burden; and to intergovernmental and non-governmental organizations which had addressed the meeting as observers and which were valuable partners in the efforts of UNHCR. He welcomed the reaffirmation of the basic principles of UNHCR and the suggestions that these be further strengthened. Some representatives had expressed concern that in responding to the various problems that confronted it, UNHCR should not lose sight of the fundamental tasks of the Office; he hoped indeed that it had not. The High Commissioner noted comments made by representatives in support of voluntary repatriation, anti-piracy activities, special protection and assistance for refugee women, and the promotion of refugee law. He shared the abhorrence of many representatives for military attacks on refugee camps. He underlined the link between refugee aid and development and particularly stressed the importance of co-operation with other United Nations agencies in this context. He attached importance to the results of the Second International Conference on Assistance to Refugees in Africa and the valuable concept of additionality, and shared the hope that the momentum of the Conference would not be disrupted by the emergency situation in Africa. He appreciated the concern that had been expressed regarding improved management and financial control measures and assured representatives that UNHCR also regarded these questions with utmost seriousness. Its reforms in these areas were part of an ongoing, dynamic process and efforts were also being made to ensure that implementing partners maintained tight controls and high reporting standards. The High Commissioner concluded his comments with a word of thanks for the kind and generous remarks which had been addressed to him personally. He could only repeat his earlier statement that he considered it a privilege to work for refugees and with the Executive Committee. He was sure that, in the course of the later discussions, all those present would draw inspiration from their common commitment to humanitarian ideals.

Decisions of the Committee

48. The Executive Committee:

(a) Congratulated members of the Bureau on their election and paid tribute to the outgoing Chairman for his stewardship of the Committee during the past year;

(b) Thanked the High Commissioner for his introductory statement in which he had, inter alia, reviewed the developments and accomplishments of his eight years in office;

(c) Expressed deep appreciation for the services of the High Commissioner to the refugee cause during his two terms of office and particularly for the considerable personal and humanitarian qualities which he had brought to the performance of his functions;

(d) Took note with deep concern of the grave financial crisis confronting UNHCR and urged Governments, intergovernmental and non-governmental organizations and other donors to provide continued support for the work of the Office at an adequate level through monetary and other contributions;

(e) Commended the High Commissioner on steps already taken to improve the management of UNHCR activities, particularly in the areas of financial administration and control, and urged him to continue to take the necessary action in order to offset the funding shortfalls, in co-operation with implementing partners;

(f) Reaffirmed the importance of ensuring that due priority was accorded to the objectives of durable solutions and essential care and maintenance needs of refugees, and encouraged further improvements in cost-effective implementation of such assistance activities;

(g) Noted with appreciation the significant contributions made by countries of asylum in accepting, often despite serious difficulties of their own, large numbers of refugees, and urged other Governments, in a spirit of international solidarity and equitable burden-sharing, to assist in providing appropriate solutions for refugees;

(h) Also expressed appreciation for the generosity of all donors who had contributed to the 1985 programmes of UNHCR both in terms of the General Programmes and of Special Programmes such as those regarding the African emergency;

(i) Expressed deep concern at the serious dimensions of the recent emergency in Africa, where drought and famine had affected both refugees and local populations, involving great hardship as well as tragic loss of life, and commended the High Commissioner for his efforts to alleviate the problem which had added significantly to the work-load of his Office;

(j) Regretted that the emergency situation had represented a severe set-back for durable solutions, programmes and infrastructure projects in Africa, including those submitted at the Second International Conference on Assistance to Refugees in Africa, and urged that the vital importance of these, as well as the principle of additionality, not be overlooked by the international community;

(k) Expressed concern about the continuing severity of the refugee situations in South-East and South-West Asia and reiterated the need for durable solutions to those problems;

(l) Also expressed concern at the difficult refugee situation in Central America and called for further efforts to meet refugee needs in that area;

(m) Emphasized the importance of tackling the root causes of refugee problems in the appropriate forums and urged continuing efforts in that regard;

(n) Reaffirmed the purely humanitarian and non-political character of the High Commissioner's activities as the necessary condition for the effective fulfilment of his mandate to protect and assist refugees and displaced persons of concern to his Office, including in refugee camps and settlements, and called for the reinforcement of the humanitarian principles underlying his work; encouraged, in this context, further accessions to the international refugee instruments and the removal of reservations;

(o) Welcomed the increasing proportion of budgetary resources allocated to durable solutions and urged the unremitting pursuit of such solutions, with particular emphasis firstly on voluntary repatriation and, when that was not possible, on local integration or, failing that, the provision of adequate resettlement opportunities;

(p) Noted with deep concern the persistent serious violations of refugee rights, in particular through military and armed attacks on refugee camps and settlements, and regretted the lack of agreement on principles relating to such attacks; and further urged Governments to co-operate fully with the High Commissioner to facilitate the effective exercise of the vital responsibility under his mandate to extend international protection to refugees;

(q) Commended the High Commissioner for drawing attention to the special needs of refugee women in the field of protection and further urged him to take account of the totality of these needs, including self-sufficiency, within the assistance programmes; and encouraged the efforts of the High Commissioner to strengthen the focal point for refugee women within UNHCR relating both to protection and assistance activities;

(r) Welcomed the increased close co-operation between members of the Executive Committee and the Office, including the improvements in information flow and in the quantity and quality of documentation made available to the Executive Committee before, during and between its sessions, and urged the strengthening of that co-operation;

(s) Registered appreciation for the continued important contribution made by the Sub-Committee on International Protection and the Sub-Committee on Administrative and Financial Matters and of the constructive role played by them in advancing the work of the Executive Committee and of UNHCR;

(t) Urged the High Commissioner to continue his efforts to improve the administration of his Office, particularly through improved training, greater decentralization and delegation of authority to the field, further redeployment of posts, and the continuous refinement of the policy of rotation;

(u) Requested the High Commissioner to pursue a recruitment policy based on the principles of competence, integrity and motivation, paying due attention to the geographical balance at all levels, and urged him to increase the recruitment and advancement of women in UNHCR, including at the senior management level;

(v) Requested the High Commissioner to continue to co-ordinate closely the efforts of his Office with those of other bodies in the United Nations system and appropriate intergovernmental and non-governmental organizations, and encouraged those agencies to continue their support to the High Commissioner in the execution of his functions;

(w) Commended the High Commissioner and the staff of UNHCR for the invaluable work performed by the Office on behalf of refugees in often difficult conditions throughout the world; and further commended the gesture of the UNHCR staff in contributing one day's salary to the 1985 General Programmes, an action testifying to their commitment to the work of the Office.

III. ACTION TAKEN ON DECISIONS OF THE EXECUTIVE COMMITTEE

(Item 5 of the agenda)

49. Introducing this item, the Secretary of the Executive Committee referred to document A/AC.96/665, the object of which was to enable representatives to follow more easily the action that had been undertaken by the secretariat in respect of the Committee's decisions. To facilitate perusal, the conclusions and decisions had been arranged by subject rather than in chronological order. The Secretary of the Executive Committee pointed out that certain decisions of the Committee, such as those relating to durable solutions, were reiterations of statutory obligations of the High Commissioner and were likely to be repeated in later years, while others related to specific one-time action required by the Executive Committee and would not recur.

50. The Secretary stated that the document had been placed before the Committee for reference rather than for substantive discussion, which could more appropriately be reserved for the relevant items on the agenda. He none the less invited comments from members of the Committee on its usefulness.

51. Three speakers commended the secretariat for the document, which they found a useful presentation of developments, expressed the hope that it would be repeated in future sessions. All three representatives indicated that they would return to substantive questions raised in the document under later items of the agenda; however, all wished to note specific points raised in the document. One representative drew attention to paragraph 22 relating to formal training programmes to strengthen the ability of implementing agencies to administer UNHCR programmes, paragraphs 33 and 34 on recruitment, particularly of women in the professional category, and paragraphs 37 and 38 regarding the delegation of authority from headquarters to the field. Another speaker referred to paragraphs 18 to 20 of the document and indicated that only one part of the decisions recorded therein, namely, that relating to the provision of humanitarian assistance in the Tindouf region of Algeria, had been implemented, while no information was provided regarding the other part of the decisions, namely, the implementation of durable solutions, in particular, voluntary repatriation, as especially mentioned in the above decisions. A third representative referred to the same paragraph and complimented the secretariat on the clarity of the document; she noted that a detailed report on durable solutions (A/AC.96/653), the conditions and possibilities of their implementation, as well as the action of UNHCR in this field, had been presented to the Committee. Both delegations raising this issue reserved their right to return to the question under the discussion on durable solutions (item 10 of the agenda).

Decision of the Committee

52. The Executive Committee:

Commended the secretariat for its report on action taken on decisions of the Executive Committee and requested that a similar document continue to be presented at future sessions of the Committee.

IV. INTERNATIONAL PROTECTION

(Item 6 of the agenda)

53. At the request of the Chairman of the Executive Committee, the Chairman of the Sub-Committee of the Whole on International Protection, Mr. F. Mebazaa (Tunisia), introduced the report of the Sub-Committee on its tenth meeting (A/AC.96/671) (see annex II to the present report). The Sub-Committee had dealt with five subjects which were often highly complex. It had devoted particular attention to the question of refugee women and had recommended conclusions that highlighted difficulties facing refugee women and had proposed appropriate action. In regard to problems relating to the rescue of asylum-seekers in distress at sea, the Sub-Committee had been encouraged by the increase in the rescue rate in 1985. Further support of UNHCR efforts in this area was, however, still necessary and this was reflected in the recommended conclusions. The Sub-Committee had also proposed conclusions on the subject of voluntary repatriation which reiterated the importance of this solution and the need to approach it in a dynamic manner. The Sub-Committee greatly valued the preparatory work on this subject that had been carried out by the Round Table in San Remo, Italy, in July 1985.

54. The Sub-Committee had also considered the question of the irregular movements of asylum-seekers and refugees. Discussion on this extremely complex issue was greatly assisted by the study of Mr. Gilbert Jaeger, the consultant appointed by the High Commissioner. The draft conclusions were believed to be well balanced. Although they contained a reservation by one country, it was hoped that this matter could be resolved during the course of the discussions. In regard to military attacks on refugee camps and settlements, the working group established under the chairmanship of Mr. Hegner (Switzerland) had not yet been able to arrive at a consensus.

55. In conclusion, the Chairman stated that the results of the Sub-Committee's work reflected a real desire on the part of Governments to find solutions to various complex problems of international protection and a sincere wish to arrive at meaningful compromises in a true humanitarian spirit.

56. In response to a request by the Chairman, Mr. Hegner informed the Committee of the results of the consultations he had undertaken regarding the draft conclusions relating to military and armed attacks on refugee camps and settlements. These consultations had been undertaken within the framework of a working group open to all members of the Sub-Committee.

57. In spite of some agreement on several peripheral aspects, disagreement regarding the substantial elements of the draft had, unfortunately, prevented the working group from reaching a consensus. There was divergence of view between those countries wishing to see a clear condemnation of military attacks and those asking for a definition of the respective responsibilities of all parties involved.

58. Mr. Hegner felt that instead of attempting to reach a compromise, the countries represented in the working group had in certain respects hardened their attitudes. He did not, for the time being, see the possibility of any solution and expressed his doubts as to whether the Committee should continue discussing this subject, especially in light of the fact that the General Assembly had already addressed the issue in its resolution 39/140 of 14 December 1984. This would not

preclude the matter being taken up at a later stage should the circumstances change. Under the present circumstances, Mr. Hegner wished to be relieved of his functions as Chairman of the working group.

59. Introducing the item, the Director of International Protection, Mr. Moussalli, said that the main problems encountered by UNHCR in the field of international protection were outlined in the note on that subject (A/AC.96/660). He proceeded to describe some of the more fundamental trends threatening the whole concept of international protection and to analyse possible courses of action to remedy them.

60. The nature of the protection activities of UNHCR had taken on dimensions not envisaged when the Office was established in 1951. Initially, the protection problems were more of a legal nature, concerning, as they did, the reception, integration and resettlement of refugees from Eastern Europe in Western industrialized countries. From the 1960s, the emphasis on refugee movements shifted to the third world with the wars of independence fought against colonial régimes. With the support of the international community and the High Commissioner, hundreds of thousands of refugees who were welcomed in neighbouring countries were provided with shelter and assistance until a political settlement was reached which permitted them to voluntarily return to their newly independent country. The new protection problems during these years were mainly to locate the refugee camps at a safe distance from the border and to ensure the purely civilian and humanitarian character of the camps.

61. The late 1960s and early 1970s witnessed increasingly complex refugee movements, with large numbers of asylum-seekers moving en masse across borders into developing countries with limited resources. Despite the economic and political problems, however, these situations were still manageable. Regional solutions of local integration and voluntary repatriation were found and protection principles were generally upheld and, in some instances, even strengthened. There was considerable development in the formulation of the principles of international protection, through international instruments, resolutions and declarations at the universal and regional levels.

62. From the mid-1970s to the present time, however, the world had seen a succession of major crises resulting in the massive transfrontier flows of populations. Crises like those in Indo-China, Afghanistan and latterly in Africa had created problems of a dimension and complexity previously unknown. So too had the phenomena of violations of the physical integrity and safety of refugees and the movements of large numbers of refugees from developing to developed countries. The turning point was the crisis in Indo-China, which led to one of the most prolonged large-scale movements in recent times and for which the only available solution was resettlement due to the general unwillingness of countries in the area to accept these refugees on a durable basis. Although countries reacted generously by offering resettlement places in the initial period, the crisis proved costly to refugees and to some of the basic concepts of international protection.

63. Fearing that such situations could only be solved by resettlement and that the continuous presence in their territories of sizeable alien populations might endanger their vital national interests, States reacted either by drastically restricting their resettlement criteria or introducing so-called deterrent measures: borders were closed, temporary asylum was denied and asylum-seekers were either returned to their country of origin or not allowed to enter.

64. Parallel to the unprecedented crises described above, new forms of brutality and physical attacks against refugees were witnessed during this period. UNHCR had limited means to counter these actions. The presence of UNHCR officers was the best method of ensuring the safety of refugees in camps, along flight routes and in border areas. UNHCR also continued to recommend that refugee camps and settlements should, in principle, be located at a safe distance from the border. The movement of refugees to such locations must not, of course, entail any physical violence against them. In the field of the physical protection of refugees and asylum-seekers, it was also necessary to mention the maintenance and strengthening of the anti-piracy programme and rescue at sea initiatives.

65. This latest period had also seen the phenomenon of large numbers of refugees moving, for various reasons, from developing to industrialized countries, flooding the asylum procedures. The authorities of some countries had said that while they fully accepted their obligations under the 1951 United Nations Convention relating to the Status of Refugees, they were not prepared, or able, to receive the victims of civil wars or man-made disasters which occurred outside their regions. Those countries had started to introduce practices to limit or discourage the arrivals of asylum-seekers and had questioned the applicability of the protection role of UNHCR in those cases.

66. The Director of International Protection believed that it was possible to overcome the above-mentioned crises and difficulties and to maintain and strengthen the standards of international protection that had been so patiently developed over the years. That required an understanding of the new refugee situations and the finding of a balance that would permit respect for humanitarian principles and the human rights of refugees while also taking into account the legitimate concerns of States for the welfare of their populations and the preservation of their national interest. That could only be achieved if all parties concerned, in particular States, UNHCR and humanitarian non-governmental agencies, met their respective responsibilities.

67. The mandate of UNHCR required that it actively seek permanent solutions. Here the emphasis had changed from the assimilation efforts of the 1950s to the voluntary repatriation needs for the bulk of the refugee population of today. UNHCR had a responsibility, whenever the circumstances permitted, to assist in the preparation and implementation of voluntary repatriation. To that end, UNHCR had actively promoted the adoption of principles relating to voluntary repatriation in, for example, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the 1980 Conclusions of the Executive Committee, 7/ the 1981 Guidelines concerning the international protection of refugees and displaced persons in Asia adopted by a Working Group appointed pursuant to the Manila Round Table on the same subject held in April 1980, the Contadora Act on Peace and Co-operation in Central America (A/39/562-5/16775, annex), the Cartagena Declaration on Refugees and, most recently, the report of the Working Group on Voluntary Repatriation organized in July 1985 by UNHCR in co-operation with the International Institute of Humanitarian Law of San Remo. This latter Working Group attempted, in an imaginative manner, to suggest ways and means to the High Commissioner and to States to overcome some of the problems in the field of voluntary repatriation.

68. While UNHCR believed that voluntary repatriation was the best solution for refugee situations, it was aware that the danger existed that UNHCR and the refugees could become pawns in a political game. The confidence and support of

States were necessary so that this could be successfully resisted. It was evident that an essential condition for voluntary repatriation to be successful was the political will of States directly concerned, normally the country of origin and the country of asylum.

69. In South-East Asia, while the solution of voluntary repatriation had not been possible on a large scale, a working mechanism to allow for the voluntary return of Lao from Thailand had been established due to the positive attitude of both Thailand and the Lao People's Democratic Republic. Further, with the assistance of the International Institute of Humanitarian Law of San Remo, Italy, UNHCR was able to have a useful exchange of views with representatives, at a high political level, of the Indo-Chinese countries and to discuss with them the situation of Indo-Chinese refugees in South-East Asia. The matter must be pursued with caution, patience and above all with the goodwill of those concerned. The necessary conditions in South-East Asia must be created in order to facilitate, in an exclusively humanitarian context, the voluntary repatriation of refugees or the return in safety and dignity of those persons determined to have left their country for purely economic reasons.

70. Experience had shown that the establishment of tripartite commissions, involving the country of origin, the country of asylum and UNHCR, could be a useful mechanism in promoting and facilitating voluntary repatriation. It was hoped that such tripartite commissions could be established for voluntary repatriation in various refugee situations in Africa and Central America.

71. It was evident that voluntary repatriation was not possible in all situations. Where it was not, a comprehensive global approach was necessary, in a true spirit of international solidarity and burden-sharing. The Director of International Protection believed that an important function of the Office was to promote and to facilitate a constructive dialogue with all concerned parties. An example of such an approach was the convening of the European Consultations in May 1985 on the problems created by the arrivals of asylum-seekers and refugees in Europe. These consultations and the suggested follow-up demonstrated that solutions to current problems could be found and the humanitarian framework maintained if all parties had the political will to meet their responsibilities and to co-operate in sharing the burden. He stressed that the role of non-governmental agencies was crucial in this process, especially given their importance in the area of public information. They should be included in deliberations concerning the fate of refugees with whom they were so closely associated. The Director of International Protection concluded his remarks by stressing that UNHCR could not solve the root causes of refugee movements. The most UNHCR could do was to attempt to create a favourable climate which might reduce tensions and permit time for a political settlement to the problems. UNHCR could, with the support and confidence of States, carry out its mandate in this regard. It must be noted, however, that timely solutions to these problems were necessary.

72. In the ensuing discussion and in the general debate, there was unanimous recognition of the crucial importance of the High Commissioner's international protection function. It was also recognized that the effective discharge of this function depended on the full support of Governments and the provision of appropriate durable solutions for refugees was a vital factor in that regard.

73. A number of representatives expressed satisfaction at the progress achieved in defining and consolidating internationally recognized standards for the treatment

of refugees. The fact that a very large number of States had now acceded to the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol was generally welcomed and the hope was expressed that more States would accede in the near future, thereby enhancing the universal character of those instruments. One representative referred to the geographical limitation still being maintained by certain States in respect of their obligations under the international refugee instruments. That limitation was in his view anachronistic and contrary to current developments in humanitarian law. He believed that the Executive Committee should appropriately address an appeal to those States that still maintained the geographical limitation to consider its withdrawal.

74. A number of representatives expressed concern that internationally recognized standards for the treatment of refugees were frequently disregarded in practice, a matter to which attention had been drawn in the note on international protection (A/AC.96/660). Reference was made to breaches of the principle of non-refoulement, the serious incidence of acts of piracy and other acts of violence perpetrated against refugees and asylum-seekers and of measures of arbitrary detention.

75. Several speakers mentioned the growing problem of persons who left their country of origin due to serious upheavals or armed conflicts. The view was expressed by some representatives that persons in that situation did not fall within the refugee concept but could be granted humanitarian treatment on the basis of national legislation and that it was, therefore, not necessary to broaden the refugee definition in order to take account of their needs. Such a broadening of the refugee concept involved the danger of eroding international support for refugees. This question was the subject of comment by the Director of International Protection when responding to the debate.

76. Several representatives, while reaffirming their countries' commitment to the principles of asylum, nevertheless pointed out that they were exposed to large-scale arrival of persons who were clearly not refugees and who sought to take advantage of asylum procedures for migratory motives. That phenomenon exposed those countries to severe strain and eroded public support for genuine refugees. One representative stated the preoccupation of his country with some asylum-seekers who were seeking refuge from prosecution and with some refugees who engaged in activities contrary to the public order of the country of asylum or against the interests of their country of origin.

77. A number of representatives also made reference to the growing phenomenon of refugees who moved in an irregular manner from one State in which they had already found protection to other States. There was general agreement that such irregular movements also undermined public support for measures adopted by States to protect and assist refugees and tended to destabilize structured international efforts to provide refugees with appropriate solutions. Reference was also made to the growing phenomenon of asylum-seekers who travelled with false documents or who wilfully destroyed or disposed of their documentation in order to mislead the authorities of their country of arrival.

78. Several representatives paid tribute to the study undertaken by the consultant appointed by the High Commissioner on the subject of irregular movements of asylum-seekers and refugees. All speakers expressed appreciation for the preparatory work undertaken in the Working Group on Irregular Movements and the Sub-Committee of the Whole on International Protection.

79. A number of representatives emphasized the importance of addressing the problem of irregular movements at its source. One representative underlined the importance of solutions to refugee problems being sought by the international community as a whole based on principles of international solidarity and burden-sharing. He felt that all countries, including countries of transit and first asylum, should strictly apply the principle of non-refoulement. That would, however, only be possible if it was also clear that the international community at large supported such measures and was willing to ensure that the host country concerned did not have to face the burden of receiving refugees alone. That burden was not merely of a material but also of a social and political nature. The strict observance of the principle of non-refoulement undoubtedly required sacrifices since the countries involved were giving priority to humanitarian considerations, rather than to material and political interests. To pursue this path, those countries had to be persuaded that sacrifices were collective and constituted a part of a global effort based on an equitable burden-sharing which this humanitarian endeavour required. He also pointed out that recent practices by States in adopting a series of restrictive measures such as rejection at borders, refusal of asylum, return of refugees and asylum-seekers to countries through which they had merely transited and lengthy as well as restrictive procedures of selection of asylum-seekers and refugees for purposes of admission and resettlement were not conducive to the establishment of an appropriate climate for the protection of refugees.

80. A number of speakers invited UNHCR to play a more operational role in situations involving irregular movements of refugees and asylum-seekers. Such a role would involve a search for durable solutions in countries of first asylum and promoting those solutions with States concerned. It was recognized by these speakers, as by several others, that protection problems of refugees could only be overcome with the necessary attention being paid to the root causes of refugee movements. One speaker underlined the significance of finding solutions to refugee problems in regions where they first occurred. He stated that his Government had been following that principle for many years and was of the opinion that the regional approach was best suited to solving refugee problems in the long term.

81. Several speakers also pointed out that the draft conclusions contained in document A/AC.96/671 rightly placed the emphasis on the need to address the problem of irregular movements at its source through action by concerned States to provide appropriate durable solutions. One speaker, while voicing support for the conclusions in their present form, urged the High Commissioner to take every necessary measure to ensure that the standards reflected in those conclusions would also be applied in concrete refugee situations. One representative indicated that the conclusions provided a necessary framework which would need to be supplemented by practical measures. Another representative stated that it was the intention of his Government to study further the applicability of the conclusions in his country. One representative expressed the view that the conclusions did not fully reflect the situation existing in his region where refugees proceeded to first asylum countries with the clear intention of leaving for other countries. Referring to the wilful destruction or disposal of travel and other identity documents and to the conclusion adopted by the Sub-Committee to the effect that States should take appropriate measures to deal with this problem, one representative stressed that such measures should not be of a nature to create so-called orbit situations.

82. There was general agreement that the draft conclusions on this subject were adequate and well-balanced and reflected the legitimate interests of refugees and concerned States. One representative stated, however, that his Government could not join the consensus with respect to the conclusions and it was therefore agreed that the matter be deferred.

83. During the discussion on international protection and during the general debate, a majority of the speakers noted with concern that UNHCR was increasingly called upon to concern itself with the physical safety of refugees and asylum-seekers in many areas of the world.

84. Concern was expressed at continuing acts of piracy against asylum-seekers in South-East Asia, although satisfaction was expressed that the rate of pirate attacks appeared to have diminished. In this connection, many speakers welcomed the results of the Anti-Piracy Arrangement entered into by UNHCR with the Royal Thai Government for which they pledged their continuing support. They also expressed the hope that UNHCR would report on the results of the Arrangement.

85. A number of speakers noted with satisfaction that efforts to combat pirate attacks had been complemented by parallel efforts undertaken by the Office to encourage rescue of asylum-seekers in distress at sea. Many speakers welcomed the continuation of the Disembarkation Resettlement Offers (DISERO) scheme and the commencement of the Rescue at Sea Resettlement Offers (RASRO) scheme as from May 1985. These two schemes appeared to have contributed to an increase in the number of rescues reported in the past several months. Concern was, however, expressed that there were still cases in which asylum-seekers were reportedly not being rescued by passing ships. Both in the discussion on this item and during the general debate, a number of speakers expressed the willingness of their Governments to continue to provide resettlement places under the RASRO scheme as long as the need existed. One speaker, similarly indicating his Government's support for RASRO, considered that the scheme should be the subject of technical review from time to time. He also pointed out that, in his country, rescued asylum-seekers were permitted to disembark without any resettlement guarantee. Another speaker, while fully supporting efforts to promote rescue at sea, nevertheless believed that any arrangement to promote rescue at sea should not be seen as an encouragement for persons to leave their country of origin to seek resettlement possibilities abroad.

86. There was unanimous support for the conclusions recommended by the Sub-Committee regarding rescue of asylum-seekers at sea.

87. All speakers paid tribute to Mr. Hegner for the considerable efforts he had exerted over the past year in an effort to arrive at consensus conclusions for adoption by the Executive Committee on the subject of military or armed attacks on refugee camps and settlements. They equally expressed regret that despite Mr. Hegner's efforts, it had not been possible to arrive at a consensus. Several speakers stated their general agreement with the two sets of draft conclusions elaborated by Mr. Hegner and circulated to the members of the Executive Committee during its present session.

88. Several speakers stated that the draft conclusions struck the right balance between the need to condemn military and armed attacks on refugee camps and settlements and the need to ensure that such camps and settlements were used for strictly civilian and humanitarian purposes. Several speakers considered that it was essential to ensure the exclusively civilian and humanitarian character of

refugee camps and settlements. One speaker declared that that was necessary both to comply with the mandate of UNHCR and to establish conditions which were most likely to prevent military or armed attacks. The protected status of refugee camps and settlements under international law should not, however, be abused or jeopardized by the introduction of activities or elements inconsistent with their civilian and humanitarian nature. Some speakers mentioned the importance they attached to the role of UNHCR and the need for UNHCR to have access to such refugee camps and settlements and one speaker said that these should be located away from the border with the country of origin.

89. Several other speakers, however, voiced their strong reservations with respect to the draft conclusions that had been submitted by Mr. Hegner. These speakers reiterated the need for military or armed attacks on refugee camps and settlements to be clearly and unequivocally condemned. In their view, such attacks could not be justified under any circumstances. It was felt by those speakers that no conclusions could be acceptable to them unless they correctly addressed those key issues. Some speakers stated that such attacks were contrary to international law in so far as they violated the rights and safety of refugees, were directed against unarmed civilians and were an act of aggression against the host country.

90. The same speakers recognized the need for all refugee camps and settlements to be used for civilian and humanitarian purposes only and for UNHCR to have access to such camps and settlements for verification. They stressed, however, the importance of reflecting those requirements in the conclusions in such a manner as not to provide any excuse or pretext for attacks. It was also stated that the formulation of the principle of UNHCR access to refugee camps and settlements should be such as to reflect the need for UNHCR to co-operate and consult with the host Government and not to act in a manner inconsistent with the sovereignty of the State concerned.

91. One speaker sought clarification as to the possible response of the international community in instances where all measures to ensure the strictly civilian and humanitarian character of refugee camps and settlements had been taken, but a country nevertheless harboured suspicions that a particular camp or settlement was also used for other purposes. Such a situation would clearly call for further investigation but could never justify a military or armed attack. That speaker said it was therefore particularly regrettable that the draft conclusions condemned only those attacks which were against international law, and that would wrongly presuppose that some attacks were not against international law and might therefore be permissible.

92. Several speakers expressed the opinion that since the Executive Committee had been unable to arrive at a consensus and since attacks on refugee camps and settlements had already been dealt with by the General Assembly in resolution 39/140, the matter should be allowed to rest for the time being. Efforts could then be renewed at a later stage when conditions for arriving at a consensus were more propitious.

93. A number of speakers, however, made specific references to such recent attacks in Angola, Botswana, Honduras, Pakistan, Thailand and Tunisia. In view of the increasing seriousness of such attacks and the resultant loss of life, those speakers felt that no effort should be spared to adopt a conclusion condemning them. They were, therefore, in favour of a continuation of efforts to reach a consensus on the subject. The view was also expressed that failure to do so could

even be seen as an incentive for further attacks. One speaker expressed the view that the difficulties experienced so far were due to the absence of sufficient political will on the part of States.

94. Some speakers proposed that paragraph 3 of General Assembly resolution 39/140 be reaffirmed by the Executive Committee. Other speakers, however, felt that that resolution, because of its wording, was open to the same objections as the draft conclusions discussed by the Executive Committee during the present session.

95. Many speakers welcomed the initiative of the High Commissioner in bringing the subject of the protection of refugee women before the Executive Committee. Tribute was also paid to the High Commissioner for having organized the Round Table on Refugee Women held at Geneva in April 1985. One representative believed that the consideration of the special situation of refugee women in these various forums was an important contribution to the United Nations Decade for Women.

96. There was general recognition that refugee women were frequently confronted by particular difficulties in the protection field owing to the simple fact that they were women. Appreciation was expressed for the action already taken by UNHCR to ensure that refugee women were provided with adequate protection. One representative pointed out that the Anti-Piracy Arrangement appeared to have been particularly effective in protecting refugee women. There was, however, an urgent need for further measures to ensure that refugee women were protected from violence or threats to their physical integrity and safety and also to ensure their equality of treatment. The view was also expressed by one representative that existing UNHCR programmes should be redesigned to take into account the special situation of refugee women and, in particular, to ensure their physical integrity and safety.

97. In the opinion of one representative, special attention should be paid to refugee women who were heads of family and those who otherwise found themselves in a vulnerable situation. Another representative believed that special emphasis should be placed on making refugee women, who have a unique role in the family unit, self-sufficient. That should be done through education, health and employment programmes. One representative stated that while refugee women were particularly vulnerable with respect to legal and physical protection, they should not simply be classified with the handicapped and children as a vulnerable group for the purposes of assistance programmes but should benefit from active programmes designed to ensure that they became self-sufficient and that they were treated equally. The same representative expressed the view that refugee women should participate in the formulation and implementation of these programmes.

98. A number of representatives requested that UNHCR report regularly on the situation of refugee women and on specific action taken and proposed to improve the international protection they receive. One representative believed that the subject should be placed on the agenda of the Executive Committee next year.

99. All speakers endorsed the conclusions on refugee women that had been recommended for adoption by the Sub-Committee of the Whole on International Protection. One representative stated that, while all the conclusions were important, conclusions (d) and (e) were of particular significance. Concerning conclusion (k), one representative stated that the interpretation of the refugee definition was within the competence of the national authorities responsible for determining refugee status and no commitment could, therefore, be made by his Government regarding that conclusion. He also believed that the matter required

more thought and that a study of the definition itself, and the term "particular social group", might be appropriate. Another representative expressed regret that the wording of conclusion (k) had been amended, since previous drafts had, in his view, been more precise in their language. One representative stressed that the Executive Committee should support all UNHCR efforts on behalf of refugee women and should also help to create a climate of understanding for their special problems.

100. On the subject of voluntary repatriation, most of the speakers expressed their agreement that that was the most desirable solution to all refugee problems and welcomed the initiative of the High Commissioner in focusing attention on the subject. They also expressed their appreciation for the work of the San Remo Round Table and indicated their general support for its conclusions.

101. A number of speakers stressed the need to bear the possibility of voluntary repatriation constantly in mind. One speaker expressed the wish that the subject be again put before the Sub-Committee at its next meeting. Another speaker believed that an entire Sub-Committee session could appropriately be devoted to examining one of the conclusions on voluntary repatriation adopted by the Sub-Committee calling for the elaboration of a multilateral instrument on the subject. He hoped that the Sub-Committee would then be able to adopt a draft text for submission to Governments for their approval.

102. Several speakers stressed the need for the High Commissioner to be actively involved in programmes designed to help returnees. One speaker mentioned the situation in South-East Asia where there were still many refugees for whom resettlement no longer appeared to be feasible and for whom voluntary repatriation would be the only possible solution. He expressed his Government's continuing support for the High Commissioner's programme for assisting returnees in the Lao People's Democratic Republic and its willingness to support future returnee programmes.

103. A number of speakers emphasized the fundamental right of refugees to return to their places of origin. Several others stressed, however, that voluntary repatriation should be undertaken only when circumstances permitted, and, in this connection, stressed the importance of the removal of root causes of refugee movements. The observer of ICVA considered that, in certain circumstances, efforts to promote voluntary repatriation might be seen by refugees as coercion unless the circumstances which had led to their flight had changed. It was therefore essential that no voluntary repatriation efforts be undertaken until that condition was met and refugees should be involved, and their view reflected, in any discussions or decisions taken. He also believed that there was no need for a multilateral instrument on the subject and that a declaration by the Sub-Committee would be sufficient.

104. One speaker regretted that the conclusions of the Sub-Committee did not incorporate the recommendation of the San Remo Round Table that the High Commissioner, in promoting voluntary repatriation, be enabled to deal with any entity irrespective of its legal status.

105. Two speakers expressed their hope that the High Commissioner would consider favourably the appointment of a special representative or a regional Co-ordinator to promote voluntary repatriation and other solutions in South-East Asia. One of these speakers recalled that a recommendation to this effect had been included in a recent report of the Joint Inspection Unit (see A/40/135).

106. All speakers supported the conclusions proposed by the Sub-Committee on this item. A number of them felt that the conclusions would provide a good framework for the Office to play an active role in promoting voluntary repatriation and for it to have greater freedom of action, particularly as to the appointment of ad hoc consultative groups and the funding of returnee programmes.

107. In the discussions of the item on international protection and also in the general debate, emphasis was placed on the importance of the Office's efforts to promote and further strengthen international refugee law and the progress achieved in this field was welcomed. Some speakers expressed concern that, in its efforts to economize, UNHCR was proposing to reduce its budget in this vital area of its activity. The observer of ICVA expressed the concern of the voluntary agencies that in the proposed budget for 1986 a 25 per cent reduction was envisaged in the area of international protection. Mention was made with appreciation of various seminars of government officials and others concerned with refugees and organized by the Office in different parts of the world. This included the Colloquium on the International Protection of Refugees in Central America, Panama and Mexico, which was held under the auspices of the Government of Colombia at Cartagena, Colombia, in November 1984. Mention was also made of the valuable role played by the International Institute of Humanitarian Law in San Remo, Italy, in promoting the further development of international refugee law.

108. The importance of the work of the Sub-Committee of the Whole on International Protection in promoting standards and principles of the treatment of refugees was also underlined by a number of speakers. In the decade following its creation in 1975, the Sub-Committee had dealt with a wide range of problems concerning the protection of refugees and through its conclusions adopted on a variety of subjects had played a vital role in the elaboration of international standards for the protection of refugees. The observer of ICVA expressed the wish that non-governmental organizations be given the possibility of participating in the deliberations of the Sub-Committee.

109. In responding to the debate, the Director of International Protection thanked the representatives for their broad support of the conclusions recommended by the Sub-Committee for adoption by the Executive Committee on the subjects of refugee women, rescue at sea and voluntary repatriation. He also thanked representatives for the general support they had given to the various protection activities of the High Commissioner and felt that that support was essential in order to carry on the difficult task of international protection in the present atmosphere of restrictive attitudes on the part of a number of Governments towards accommodating refugees in their territories. The Office was guided by the universally accepted principles of international protection and made no distinction between countries in different parts of the world when seeking to protect refugees and asylum-seekers. It was essential for the Office to maintain an objective attitude so that it could not be accused of having different standards for different countries.

110. On the subject of irregular movements, he felt that there was a broad consensus on the conclusions of the Sub-Committee on the matter and hoped that the reservation of one delegation on two points in the conclusions would be overcome in time and that the conclusions would be adopted as a whole at the end of the session.

111. On the subject of military attacks, the High Commissioner had always denounced such attacks on refugee camps and settlements assisted by UNHCR wherever they occurred and would continue to do so. It was the constant endeavour of the Office

to maintain the civilian and humanitarian character of all refugee camps and settlements and to that end it was important to ensure access of UNHCR to them.

112. On the question of definition of the term "refugee", on which a number of representatives had expressed opinions, the Director of International Protection stated that UNHCR had never taken the view that persons who would be in serious danger if they were to return to their country of origin because of serious internal upheavals or armed conflict should have the same status as refugees within the meaning of the 1951 Convention and the 1967 Protocol. The Office's position was that such persons should be protected against forcible return and given an appropriate legal status corresponding to their particular situation and needs. This had been made clear in paragraph 6 of the note on international protection (A/AC.96/660).

113. Commenting on another point raised during the debate, the Director of International Protection stated that there was no doubt that the principle of non-refoulement was applicable not only to refugees as defined by the 1951 Convention and the 1967 Protocol but also to the broader categories which fell under the High Commissioner's extended mandate. This was evident from various General Assembly resolutions, the 1969 OAU Refugee Convention, the practice of States and Conclusion No. 22 (XXXII) adopted by the Executive Committee at its thirty-second session.

114. At the close of the discussion, the Executive Committee adopted the following conclusions which included those recommended by the Sub-Committee of the Whole on International Protection.

115. Conclusions of the Committee:

(1) General

The Executive Committee:

(a) Recognized the crucial importance of the High Commissioner's international protection function, the exercise of which had become increasingly difficult owing to the growing complexity of present-day refugee problems;

(b) Reiterated that the High Commissioner's international protection function can only be effectively carried out with the full support of Governments; of particular importance is the provision of durable solutions by Governments in co-operation with the High Commissioner;

(c) Noted with satisfaction the progress achieved in the further development of international refugee law and the strengthening of internationally recognized standards for the treatment of refugees;

(d) Welcomed the fact that a large number of States had now acceded to the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol and expressed the hope that additional States would accede to those instruments in the near future, thereby strengthening the framework of international solidarity and burden-sharing of which those instruments are an integral part;

(e) Welcomed the fact that one country had recently withdrawn the geographical limitation in respect of its obligations under the 1951 Refugee Convention and that the question of such withdrawal was being given favourable consideration by another country; recommended consideration of the withdrawal of the geographical limitation by those States that still maintained it;

(f) Noted with serious concern that despite the development and further strengthening of established standards for the treatment of refugees, the basic rights of refugees in different areas of the world had continued to be disregarded and that in particular refugees were being exposed to pirate attacks, other acts of violence, military and armed attacks, arbitrary detention and refoulement;

(g) Noted that the General Assembly had by consensus adopted resolution 39/140, of which paragraph 3 related to military and armed attacks on refugee camps and settlements;

(h) Stressed the importance of the question of military and armed attacks on refugee camps and settlements being kept under constant review by the Executive Committee and requested the Chairman to continue consultations on the matter;

(i) Welcomed the fact that States in many parts of the world, including States confronted with economic and developmental difficulties, continued to grant asylum to large numbers of refugees;

(j) Noted with concern the growing phenomenon of refugees and asylum-seekers who, having found protection in one country, moved in an irregular manner to another country, and expressed the hope that the problem that that represented could be mitigated through the adoption of global solutions in a spirit of international co-operation and burden-sharing, and requested the High Commissioner to continue consultations with a view to reaching agreement on the matter;

(k) Welcomed the convening by the High Commissioner in May 1985 of the Consultations on the Arrivals of Asylum-Seekers and Refugees in Europe;

(l) Reaffirmed the importance of creating a deeper understanding in the public mind of the special plight of refugees in order to facilitate the exercise of the High Commissioner's international protection function;

(m) Reiterated the importance of the Office's continued efforts to promote the development and strengthening of international refugee law, in particular through its co-operation with the International Institute of Humanitarian Law in San Remo, Italy.

(2) Central American refugees and the Cartagena Declaration on Refugees

The Executive Committee:

(a) Recognized the complexity and gravity of the refugee situation in the Central American region, which had recently received special attention;

(b) Acknowledged the provisions relating to refugees in the Contadora Act for Peace and Co-operation in Central America;

(c) Noted with interest the Cartagena Declaration on Refugees, embodying the conclusions of the Colloquium entitled "International Protection of Refugees in Central America, Mexico and Panama: Juridical and Humanitarian Problems", held at Cartagena, Colombia, from 19 to 22 November 1984, under the auspices of the Government of Colombia;

(d) Welcomed the use of regional approaches in resolving refugee problems of regional scope, as amply demonstrated by the Colloquium.

(3) Rescue of asylum-seekers in distress at sea

The Executive Committee:

(a) Reaffirmed the fundamental obligation under international law for shipmasters to rescue all persons, including asylum-seekers, in distress at sea;

(b) Regalled the conclusions adopted by the Executive Committee at previous sessions recognizing the need to promote measures to facilitate the rescue of asylum-seekers in distress at sea;

(c) Expressed satisfaction that the rescue of asylum-seekers in distress at sea had increased significantly in 1985, but at the same time expressed concern that many ships continued to ignore asylum-seekers in distress at sea;

(d) Welcomed the fact that the provision of an appropriate number of resettlement places had made it possible for the Rescue at Sea Resettlement Offers (RASRO) scheme to commence on a trial basis as from May 1985;

(e) Welcomed the wide-ranging initiatives undertaken by UNHCR to promote the rescue of asylum-seekers in distress at sea and the support given to these initiatives by States;

(f) Strongly recommended that States maintain their support of UNHCR action in this area and, in particular, that they:

(i) Join or renew contributions to the DISERO (Disembarkation Resettlement Offers) and to the RASRO schemes, or to either of them, as soon as possible;

(ii) Request shipowners to inform all shipmasters in the South China Sea of their responsibility to rescue all asylum-seekers in distress at sea.

(4) Refugee women and international protection

The Executive Committee:

(a) Welcomed the initiative of the Office in organizing the Round Table on Refugee Women, held at Geneva in April 1985;

(b) Welcomed also the recommendations regarding the situation of refugee and displaced women adopted by the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi from 15 to 26 July 1985;

(c) Noted that refugee women and girls constituted the majority of the world refugee population and that many of them were exposed to special problems in the international protection field;

(d) Recognized that those problems resulted from their vulnerable situation which frequently exposed them to physical violence, sexual abuse and discrimination;

(e) Stressed the need for such problems to receive the urgent attention of Governments and of UNHCR and for all appropriate measures to be taken to guarantee that refugee women and girls were protected from violence or threats to their physical safety or exposure to sexual abuse or harassment;

(f) Noted with satisfaction the measures already undertaken by UNHCR to address the protection problems of refugee women and to ensure that they were adequately protected;

(g) Called upon States to continue to support UNHCR programmes established with a view to securing protection for refugee women and UNHCR assistance programmes for refugee women, especially those aimed at helping refugee women become self-sufficient through educational and income-generating projects;

(h) Recommended that States, individually, jointly and in co-operation with UNHCR, redefine and reorient existing programmes and, where necessary, establish new programmes to meet the specific problems of refugee women, in particular to ensure the safeguard of their physical integrity and safety and their equality of treatment. Women refugees should participate in the formulation and implementation of such programmes;

(i) Stressed the importance of a more detailed knowledge and understanding of the special needs and problems of refugee women in the international protection field and of gathering statistical, sociological and other data concerning refugee women and girls in order to identify and implement appropriate mechanisms to ensure their effective protection;

(j) Requested the High Commissioner to report regularly to members of the Executive Committee on the needs of refugee women and on existing and proposed programmes for their benefit;

(k) Recognized that States, in the exercise of their sovereignty, were free to adopt the interpretation that women asylum-seekers who faced harsh or inhuman treatment due to their having transgressed the social mores of the society in which they lived may be considered as a "particular social group" within the meaning of article 1 A, paragraph 2, of the 1951 United Nations Convention relating to the Status of Refugees.

(5) Voluntary repatriation

The Executive Committee, reaffirming the significance of its 1980 conclusion on voluntary repatriation 7/ as reflecting basic principles of international law and practice, adopted the following further conclusions on this matter:

(a) The basic rights of persons to return voluntarily to the country of origin is reaffirmed and it is urged that international co-operation be aimed at achieving this solution and should be further developed;

(b) The repatriation of refugees should only take place at their freely expressed wish; the voluntary and individual character of repatriation of refugees and the need for it to be carried out under conditions of absolute safety, preferably to the place of residence of the refugee in his country of origin, should always be respected;

(c) The aspect of causes is critical to the issue of solution and international efforts should also be directed to the removal of the causes of refugee movements. Further attention should be given to the causes and prevention of such movements, including the co-ordination of efforts currently being pursued by the international community and, in particular, within the United Nations. An essential condition for the prevention of refugee flows is sufficient political will by the States directly concerned to address the causes which are at the origin of refugee movements;

(d) The responsibilities of States towards their nationals and the obligations of other States to promote voluntary repatriation must be upheld by the international community. International action in favour of voluntary repatriation, whether at the universal or regional level, should receive the full support and co-operation of all States directly concerned. Promotion of voluntary repatriation as a solution to refugee problems similarly requires the political will of States directly concerned to create conditions conducive to this solution. This is the primary responsibility of States;

(e) The existing mandate of the High Commissioner is sufficient to allow him to promote voluntary repatriation by taking initiatives to this end, promoting dialogue between all the main parties, facilitating communication between them, and acting as an intermediary or channel of communication. It is important that he establish, whenever possible, contact with all the main parties and acquaint himself with their points of view. From the outset of a refugee situation, the High Commissioner should at all times keep the possibility of voluntary repatriation for all or for part of a group under active review and the High Commissioner, whenever he deems that the prevailing circumstances are appropriate, should actively pursue the promotion of this solution;

(f) The humanitarian concerns of the High Commissioner should be recognized and respected by all parties and he should receive full support in his efforts to carry out his humanitarian mandate in providing international protection to refugees and in seeking a solution to refugee problems;

(g) On all occasions the High Commissioner should be fully involved from the outset in assessing the feasibility and, thereafter, in both the planning and implementation stages of repatriation;

(h) The importance of spontaneous return to the country of origin is recognized and it is considered that action to promote organized voluntary repatriation should not create obstacles to the spontaneous return of refugees. Interested States should make all efforts, including the provision of assistance in the country of origin, to encourage this movement whenever it is deemed to be in the interests of the refugees concerned;

(i) When, in the opinion of the High Commissioner, a serious problem exists in the promotion of voluntary repatriation of a particular refugee group, he may consider for that particular problem the establishment of an informal ad hoc

consultative group which would be appointed by him in consultation with the Chairman and the other members of the bureau of his Executive Committee. Such a group may, if necessary, include States that are not members of the Executive Committee and should in principle include the countries directly concerned. The High Commissioner may also consider invoking the assistance of other competent United Nations bodies;

(j) The practice of establishing tripartite commissions is well adapted to facilitating voluntary repatriation. The tripartite commission, which should consist of the countries of origin and of asylum and UNHCR, could concern itself with both the joint planning and the implementation of a repatriation programme. It is also an effective means of securing consultations between the main parties concerned on any problems that might subsequently arise;

(k) International action to promote voluntary repatriation requires consideration of the situation within the country of origin as well as within the receiving country. Assistance for the reintegration of returnees provided by the international community in the country of origin is recognized as an important factor in promoting repatriation. To this end, UNHCR and other United Nations agencies as appropriate should have funds readily available to assist returnees in the various stages of their integration and rehabilitation in their country of origin;

(l) The High Commissioner should be recognized as having a legitimate concern for the consequences of return, particularly where such return has been brought about as a result of an amnesty or other form of guarantee. The High Commissioner must be regarded as entitled to insist on his legitimate concern over the outcome of any return that he has assisted. Within the framework of close consultations with the State concerned, he should be given direct and unhindered access to returnees so that he is in a position to monitor fulfilment of the amnesties, guarantees or assurances on the basis of which the refugees have returned. This should be considered as inherent in his mandate;

(m) Consideration should be given to the further elaboration of an instrument reflecting all existing principles and guidelines relating to voluntary repatriation for acceptance by the international community as a whole.

V. STATUS OF CONTRIBUTIONS AND OVERALL FINANCIAL REQUIREMENTS
FOR 1985 AND 1986

(Item 7 of the agenda)

116. The Director of External Affairs introduced the item by referring to the discussion of the financial crisis of the General Programmes which had taken place in the Sub-Committee on Administrative and Financial Matters. It had been fully agreed that all concerned must act together in pursuit of economy and cost-effectiveness and to find the funding required.

117. The Director pointed out that UNHCR had alerted the Executive Committee in October 1984 to the growing problem of funding the General Programmes. However, it was important to emphasize that the present crisis was not caused by lack of goodwill towards refugees. Total 1985 contributions for all UNHCR programmes were, in fact, 24 per cent higher than at the same time in 1984. Donor response in overall terms in 1985 had been very generous. The problem was one of limited resources trying to meet massive unforeseen needs. In that situation, UNHCR General Programmes - which were the first priority of UNHCR and of the Executive Committee - had been overshadowed and the necessity to finance them had been obscured by emergency needs. Taking into account all income, including contributions announced at the current session of the Executive Committee, total funds available on 11 October 1985 for the 1985 General Programmes amounted to \$279 million leaving a shortfall of \$40 million. UNHCR hoped that, with further additional contributions and savings generated from the current programme review, it would be possible to continue the 1985 General Programmes at a reasonable level. The Executive Committee would be kept informed of the situation.

118. If present circumstances continued, the 1986 General Programmes would be in an even worse position than the 1985 programmes. There would be little or no funds to carry over into 1986 to begin the new General Programmes on 1 January 1986. The 1986 General Programmes requirement of \$330 million would, moreover, need to be funded almost exclusively by contributions in 1986 since other sources of income were drying up and would be minimal in 1986.

119. It was necessary to try to establish a more secure base of financing for UNHCR General Programmes, which were the absolute first priority of UNHCR in terms of fulfilment of its mandate.

120. UNHCR and implementing partners would try to achieve greater economy and cost-effectiveness. UNHCR was already attempting to develop new sources of contributions. However, the annual Pledging Conference produced only one third of the General Programmes requirements in any given year. The balance of General Programmes contributions (usually some \$200 million) had to be negotiated in the course of the year, from budgets which were not specifically reserved for UNHCR and which were vulnerable to diversion or reduction. Such tenuous arrangements should not form the basis of the bulk of General Programmes financing.

121. The Director, therefore, appealed to donors to reserve, from the start of the fiscal year, higher levels of contributions to UNHCR General Programmes to give those programmes the secure funding base they required because of their priority importance.

122. The Director hoped that UNHCR could struggle through the rest of 1985. He appealed strongly for greatly increased contributions and early payments to be announced to UNHCR General Programmes at the Pledging Conference to be held in New York on 15 November 1985.

123. Without the funds required for the General Programmes, UNHCR could not be expected to fulfil its mandate.

Decisions of the Committee

124. The Executive Committee:

(a) Took note of the report submitted by the High Commissioner on the status of contributions to UNHCR voluntary funds and the overall financial requirements for 1985 and 1986 (A/AC.96/659 and Corr.1) and of the detailed discussion by the Sub-Committee on Administrative and Financial Matters of the financial crisis concerning the UNHCR General Programmes;

(b) Expressed great appreciation for the generosity of all donors who had contributed to the 1985 programmes of UNHCR, both in terms of the General Programmes and of Special Programmes such as the African emergency;

(c) Expressed its deep concern at the critical funding situation affecting the General Programmes both in 1985 and in the foreseeable future;

(d) Reaffirmed the primary importance of the General Programmes for the fulfilment by UNHCR of its mandate;

(e) Urged UNHCR, asylum countries and implementing agencies to strengthen their efforts in pursuit of economy and cost-effectiveness;

(f) Requested and encouraged UNHCR to pursue all appropriate means such as appeals and the negotiation of contributions from both governmental and private sectors to obtain the necessary resources to ensure full financing of the programmes;

(g) Urged donors, especially Governments, to recognize the primary importance of the General Programmes and to allocate or reserve, as a matter of priority, higher levels of contributions specifically for the UNHCR General Programmes in order to create a more secure base of financing for those programmes;

(h) Recognized that implementation of the 1986 General Programmes would depend almost entirely on income from contributions and that a substantial proportion of the funds required, which amounted to \$330,410,000, should be available to UNHCR at the beginning of the programme year in January 1986 and, to that end, urged Governments to announce increased levels of contributions and early payments to the UNHCR General Programmes for 1986 either at the Pledging Conference to be held in New York on 15 November 1985 or as additional resources in 1985 or 1986.

VI. REFUGEE AID AND DEVELOPMENT

(Item 8 of the agenda)

125. The High Commissioner introduced the item and document A/AC.96/662 on the subject by reaffirming the need to link refugee aid with development assistance, to which a number of delegations had made reference during the general debate. Where there were large numbers of refugees in low-income countries, development projects benefiting the local population as well as refugees were probably the best means of helping refugees to become self-supporting. The High Commissioner reported on recent progress towards refugee-related development projects, notably in Pakistan and the Sudan. In Somalia, a first contact also appeared positive and further discussions could take place during the present session. Referring to paragraph 28 of the document, he felt that if further progress was to be achieved in the field, there was a need for Governments represented on the governing bodies and executive boards of developmental organizations to bear in mind the additional burden caused by the presence of refugees when considering future activities of those organizations in low-income countries that had received a large refugee influx.

126. Delegations emphasized the importance of linking refugee aid and development assistance, a concept which had emerged from the Second International Conference on Assistance to Refugees in Africa and had subsequently become universally accepted. Several delegations stressed that planning for development projects had to begin at the very outset of a refugee influx, even as early as the emergency phase. In order effectively to insert refugee programmes into the context of national development plans, UNHCR, as the lead agency for refugee programmes, had to collaborate closely with developmental agencies and with non-governmental organizations. However, UNHCR should not abandon its traditional role as a catalyst and co-ordinator of inputs by other organizations; there had to be a clear division of labour between the organizations concerned. This was especially true in view of the Office's current financial situation. With regard to the new refugee-related development project in the Sudan mentioned by the High Commissioner, agreement was expressed with his feeling that it would be unrealistic and undesirable for him to undertake alone to gather all the funding for the project.

127. The High Commissioner's suggestion with respect to action in the governing and executive bodies of developmental organizations met with approval. It was felt that Governments represented on those bodies should appropriately advise their representatives of the principles and policies adopted by the Executive Committee in this regard.

128. Several delegations referred to the World Bank pilot project for refugee areas in Pakistan as an encouraging example of progress achieved. Other delegations referred to the Second International Conference on Assistance to Refugees in Africa and to their Governments' contributions to projects recommended at the Conference. Some speakers indicated that their Governments might be willing to extend further financing, depending on the progress made in developing appropriate projects. To do this, UNHCR had to establish a close dialogue with such organizations as the World Bank, other development banks, UNDP and, in particular, voluntary agencies.

129. The element of co-operation between all concerned parties was repeatedly stressed. In order for refugee-related development projects to be successful,

durable income-earning opportunities had to be generated, either directly or through their secondary effects. As those opportunities were often related to agriculture, land had to be made available by asylum countries. The integration of refugee rural settlements and other activities into national development schemes involving nationals had to be accomplished in concert with participating developmental and funding organizations. Thus, UNHCR, host countries, donor countries, developmental agencies, non-governmental organizations and, not least, the refugees themselves all had a role to play in the process.

130. Some delegations stressed that once self-sufficiency was attained in rural refugee settlements, the phasing-out of UNHCR assistance may not necessarily mean the end of the need for follow-up action. Selected follow-up measures aimed at covering recurrent costs might be necessary to ensure that the settlements remained viable. One speaker suggested that the High Commissioner might establish a separate budget line to continue funding a limited number of such measures.

131. Several speakers welcomed the appointment by the High Commissioner of the Special Adviser for Refugee Aid and Development and his designation of the Chief of the Specialist Support Unit as the focal point for development projects within the Assistance Division. The role of the Unit was particularly important, as it was responsible for ensuring the technical soundness of projects. The representative of the Federal Republic of Germany announced that his Government was considering establishing a short-term fund for expert aid for the Unit in 1986.

132. The representative of the United Nations Industrial Development Organization (UNIDO) announced his organization's readiness to co-operate with UNHCR in identifying and formulating projects to provide technical training and job opportunities in industry for refugees. A mission would visit UNHCR at the end of October.

133. The representative of the International Council of Voluntary Agencies (ICVA) said that the voluntary agencies agreed that refugee programmes should be seen in the context of national development plans and were prepared to discuss how they could best be useful. In order to be most effective, operationally and with respect to fund-raising, the agencies had to be associated with the planning process. He also mentioned the workshop on refugee aid and development which was being organized jointly by ICVA and UNHCR for December and which would offer an opportunity to discuss where and how the development approach could lead to durable solutions for refugees.

134. The Special Adviser for Refugee Aid and Development recalled three essential points mentioned by most speakers: the necessity of planning development-oriented schemes for refugees at the very outset of a refugee emergency, the usefulness of small-scale schemes for refugees as "poorest among the poor" in developing countries, and the need to involve the refugees as well as the local population. He hoped that the December workshop would study those elements from a very practical angle. He replied to a query by the representative of the Netherlands on why developmental organizations seemed reluctant to fund such projects by acknowledging that scarce resources were certainly a major problem, but financing institutions often also hesitated to involve themselves in refugee-related projects because they were seen to involve sensitive "political" problems. The success of the pilot project in Pakistan had dispelled this feeling somewhat, but further successful initiatives would be needed to make it disappear entirely.

135. The High Commissioner thanked the speakers for their strong support of this very important strategy. He expressed his willingness to establish a separate budget line for the follow-up of rural settlement projects if resources were made available by donors, and he noted that several speakers had agreed with his view that UNHCR should not alone be responsible for financing refugee-related development projects. In concluding, the High Commissioner expressed his personal thanks to the Special Adviser for his 30 years of dedicated service to refugees and for his imagination and perseverance in negotiating and promoting the Pakistan pilot project which now served as a model for the future.

Decisions of the Committee

136. The Executive Committee,

Having considered document A/AC.96/662 submitted by the High Commissioner and his oral report on further progress made in promoting development projects helping refugees:

(a) Expressed its warm appreciation for the work done by the High Commissioner and his colleagues to translate into practice the Principles for Action in Developing Countries recalled at its thirty-fifth session (see A/AC.96/645 and Corr.1, annex);

(b) Urged him to continue seeking further opportunities to help refugees through developmental activities, in co-operation with the World Bank, UNDP and other organizations specialized in development assistance, as well as with non-governmental organizations with experience and expertise in the field;

(c) Called on Governments to bear in mind the additional burden that fell on low-income countries that had received large numbers of refugees when considering, in the governing bodies of the developmental organizations in which they were represented, the programmes and projects of those organizations in the countries affected by the problem, and to bring the Principles for Action in Developing Countries to the attention of their representatives on the executive boards of these organizations;

(d) Recognized the need for the High Commissioner to monitor developments in refugee settlements in low-income developing countries that had achieved self-sufficiency and, subject to availability of funds, to support measures aimed at covering the maintenance of infrastructure or other recurrent costs in such settlements.

VII. FIELD AFFAIRS

(Item 9 of the agenda)

137. The Director for Field Affairs introduced the item by noting that document A/AC.96/658 provided information on the activities of field affairs and on the working and analytical methods which had been adopted. He identified a number of countries in which field appraisals had been undertaken. Those appraisals had been multi-dimensional in character and had encompassed a review of a variety of factors that had an impact on the effectiveness and efficiency of UNHCR activities in the field. During those reviews the basic objectives and direction of UNHCR activities in the field had been discussed in order to explore possibilities of new, experimental and innovative areas of activity for the benefit of refugees. A management review of the internal working methods and procedures, the distribution of responsibilities and the decision-making process, the organizational structure and staffing levels and the delegation of responsibility from headquarters to the field had also taken place. Further, the organizational relationships between UNHCR and the host Governments and the implementing partners had been reviewed.

138. The Director briefly outlined the major concerns arising from the field appraisals in each country. He stated that in general recent efforts to increase the delegation of authority from headquarters to the field had had a positive impact. Problem areas were related to the familiarity of staff with their responsibilities and could only be remedied by a greater emphasis on staff training. The need for such training was most pressing in the area of financial monitoring and control. The Director further stated that there was a need for streamlining information demands on field offices. He drew attention to the crucial importance of appropriate implementing partners for UNHCR programmes in the field and the need for UNHCR to be given greater flexibility by host Governments in the choice of implementing partners. UNHCR also needed to intensify its co-operation with the wide range of non-governmental organizations. The Director further emphasized the urgent necessity for additional measures to improve conditions of field service, particularly in difficult duty stations.

139. The Director noted that the field mission to Indonesia had provided an opportunity to discuss with the authorities aspects of the traditional cross-border population movement between the Indonesian province of Irian Jaya and Papua New Guinea. These discussions had proved valuable during a subsequent appraisal of activities in Papua New Guinea and had contributed to an awareness that UNHCR assistance programmes for refugees in the border area of Papua New Guinea could develop into a pull factor for the border population in Indonesia. The Director informed the Committee that with the co-operation of the Secretary-General's Special Representative for Humanitarian Affairs in South-East Asia and UNDP a proposal for some United Nations involvement in the development of the border area had been reactivated. This matter was being pursued but it was too early to predict the extent to which such development activity in the border area would increase the possibility of a durable solution for the refugees in Papua New Guinea.

140. The Director further informed the Committee of a recent mission to Algeria. During that mission, discussions had been held with officials of the Government and of the implementing partner on issues of concern to the refugee population in the country. Major sectors of the refugee population in the Tindouf area had also been visited. The Director noted that refugee camps receiving UNHCR assistance were, in

accordance with the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, at a reasonable distance from the frontier of the country of origin and that UNHCR assistance, which covered only a fraction of the overall needs, was being managed efficiently and was reaching the vulnerable groups for whom it had been intended. He further stated that discussions with refugee leaders and some individual refugees indicated that they were aware of the offer of the Government of Morocco of voluntary repatriation, but that the realization of this solution went beyond purely humanitarian concerns at this time. The UNHCR representative and his staff would, in the context of their protection function, intensify their visits to the area and continue to pay particular attention to this important aspect. They would also ensure that the utilization of UNHCR resources was in keeping with the humanitarian mandate of the Office.

141. In the course of the debate on the item, several delegations commented favourably on the report on field affairs and on the statement of the Director. They expressed their appreciation for the work done by the Director and his staff, the catalytic role of field affairs and the analytical and working methods which had been adopted. They stated that the report on field affairs had clearly shown the value of such field appraisals, which were of paramount importance, and that the concerns expressed in the report and in the statement of the Director for Field Affairs were shared by them.

142. One representative stated that the inspection role of field affairs was vital and requested an examination of measures to strengthen its functioning. He also requested that the reports on field affairs should be made available to donor Governments. Two delegations expressed their support for a strengthening of training of UNHCR staff and for increased co-operation with other agencies.

143. The representative of Morocco contested the affirmation that the Tindouf camps were in fact located at a reasonable distance from his country and asked for clarification from the Director on this point. He stated that what was important for UNHCR was not the opinion of those claiming to be leaders of the displaced persons or some people with whom UNHCR had had contact and who wished to attribute their opinions to the entire group, but rather the desire of each individual, freely expressed.

144. The representative of Algeria expressed his appreciation for the quality of information provided by the Director for Field Affairs, which he stated would satisfy the expectations of the Executive Committee. He expressed his Government's pleasure that the UNHCR Branch Office in Algeria had begun to function and asked UNHCR to increase its activities in the country. He further invited any interested member of the Executive Committee to visit Algeria and be apprised of the situation, needs and deepest aspirations of the refugees.

145. In reply to the question posed by the representative of Morocco, the Director for Field Affairs stated that the refugee areas receiving UNHCR assistance were located east and south of Tindouf and were some 50 to 60 kilometres from the border. He further noted that, as he had stated in his oral report, UNHCR was aware that a more intensive dialogue with the refugee population was required.

Decisions of the Committee

146. The Executive Committee:

(a) Took note with appreciation of the note on the activities of the Director for Field Affairs (A/AC.96/658) and of the oral report presented by the Director;

(b) Recognized the importance of the field affairs function in increasing the efficiency and effectiveness of UNHCR field activities.

VIII. ROLE OF UNHCR IN PROMOTING DURABLE SOLUTIONS

(Item 10 of the agenda)

147. Introducing the item, the Director of Assistance recalled that in accordance with the statute of UNHCR, the pursuit of durable solutions was the essential aim of assistance activities for refugees. This was particularly important in the current year in view of the financial difficulties affecting the General Programmes. In making the difficult choice of which activities to curtail, there was great danger that many activities promoting durable solutions would have to be sacrificed in order to provide for the minimum basic needs of refugees. It was because of this consideration that the totality of the General Programmes presented by the High Commissioner, including durable solutions, had to constitute the Office's highest priority.

148. The Director said that UNHCR had always actively supported initiatives to create appropriate conditions for durable solutions. If the necessary resources were made available, UNHCR would continue to assist in implementation where such efforts could not be entirely undertaken by the national authorities. However, UNHCR was impotent without the political will and the complete co-operation of the Governments directly concerned. Each of the three traditional durable solutions was possible only if the political will of Governments created the conditions necessary for the effective intervention of UNHCR. The best example was voluntary repatriation; almost all refugees whom the Director had met, whether in South-East Asia, Pakistan, the Horn of Africa, Algeria or Central America, had confirmed their desire to return to their home environment but had added that they could not do so until the circumstances that had caused their exodus had changed or ended. UNHCR could only record the wishes of the refugees and of the respective positions of the Governments concerned, preparing itself for the right moment to act, but had to leave the necessary political discussions to those who were responsible for them.

149. The Director added that the implementation of self-sufficiency projects and of socio-economic or complete integration in first-asylum countries also required a decision of the Governments concerned to allow refugees access to labour markets and even to include refugees in national development projects. He saw no contradiction between a refugee's desire to return home and the opportunity of leading an honourable and productive life during his stay in a country of asylum; dependency, if unduly prolonged, was a most harmful situation. As for resettlement programmes, that solution applied where local solutions were not available or where it was necessary to ensure the security of particular refugees. That depended entirely upon the will and generosity of the countries concerned. UNHCR urgently appealed to Governments of host countries and countries of origin to adopt the measures necessary for the implementation of durable solutions and also appealed to resettlement countries not to let their generosity become exhausted.

150. With regard to self-sufficiency and local integration of refugees, the Director pointed out that the activities aimed at these objectives required by far the greatest portion of assistance funds devoted to durable solutions; the major part of resettlement costs was absorbed by the host countries and voluntary repatriates could benefit from the protection and assistance of their countries of origin. Local integration of refugees in the least developed countries was a costly and lengthy enterprise. UNHCR was becoming much better equipped to handle such projects; by means of agreements with United Nations specialized agencies,

UNHCR had set up a central team of technicians able to intervene promptly in the field and to provide the necessary expertise to the geographical sections and to the Assistance Division to analyse the technical quality of projects submissions. Special technical units had been set up in several major programmes to provide such services on a decentralized basis. A roster of experts had been established from which UNHCR could draw technicians, firms or non-governmental organizations best qualified for specific tasks.

151. Finally, the Director asked whether, in view of the essential role of durable solutions within UNHCR assistance activities and the difficulty of disassociating the subject from material assistance as a whole, it would not be desirable to return to the practice in use until the thirty-fourth session of the Executive Committee whereby both subjects were examined under the same agenda item since, according to the Office's mandate, the implementation of durable solutions constituted the foundation of material assistance.

152. Many representatives commended UNHCR for its determined efforts to promote durable solutions; they welcomed and reaffirmed their support for the increasing proportion of UNHCR resources devoted to the implementation of self-reliance and durable solutions. One representative emphasized that with refugee problems proliferating it was time to focus on the preventative stage and to develop integrated comprehensive responses to particular situations aimed at preventing or minimizing outflows. He recognized that the High Commissioner could not act alone, but needed to be fully supported by the Executive Committee and relevant States. The representative strongly endorsed the conclusions emanating from the San Remo meeting on voluntary repatriation. A number of speakers expressed their concern that the Office's continuing efforts to promote durable solutions must not be curtailed as a consequence of financial difficulties.

153. A number of representatives said that they considered voluntary repatriation where feasible to be the most desirable durable solution and several speakers welcomed the continuing pursuit by UNHCR of that objective. One speaker said that it was necessary for UNHCR not only to determine that repatriation was voluntary but also to ensure that the conditions to which refugees returned were satisfactory. Another speaker said that several refugee situations had reached a point when voluntary repatriation appeared to have become feasible, for example from Honduras to El Salvador, and suggested that there should be concerted effort to put tripartite arrangements into effect. Another speaker welcomed initiatives such as UNHCR activities to rehabilitate returnees in the Lao People's Democratic Republic, to which he announced a contribution.

154. Regarding resettlement, one representative said that while this solution should not be resorted to for every asylum seeker, Governments concerned should not abandon their efforts for those refugees who qualified for resettlement. Although he recognized that resettlement of refugees must go on, UNHCR should pursue alternative durable solutions. He hoped in 1986 to see further success in developing non-resettlement durable solutions. A few other speakers also emphasized that the alternative forms of durable solutions should be pursued where feasible in preference to resettlement.

155. On the subject of local integration, one representative said that that was also a good solution where possible. He stressed the important role of UNHCR where refugees could be assisted to be self-sufficient in agricultural and non-agricultural activities and added that it would be better still if the refugees could be fully integrated into the host community.

156. Several representatives emphasized the relevance of assistance activities to the pursuit of durable solutions, which they affirmed was an integral part of UNHCR assistance programmes. One representative insisted that, in the interest of focusing a continuing dialogue, the subject of durable solutions should be kept as a separate agenda item, which made it easier to review progress in this area. He also stressed that UNHCR could only be effective in promoting durable solutions if it received the strong support of the Executive Committee. Another representative suggested that better mechanisms were needed further to advance durable solutions. He proposed that UNHCR should restore the post of a senior co-ordinator, based in Bangkok, to promote durable solutions for the refugees in the South-East Asia region. Two other representatives expressed support for the proposal.

157. Several representatives expressed their appreciation of the details, including the country tables, contained in document A/AC.96/657, which they felt provided useful information, such as the number of beneficiaries, on the funding of durable solutions programmes. One representative said that despite this, it was extremely difficult to determine the level of self-sufficiency attained by refugees and the point at which UNHCR assistance to a particular group could be phased out. He suggested that in order to meet the urgent need for understanding the global picture of expenditures on durable solutions, it was desirable for all the information on durable solutions contained in various reports to be merged into one coherent document which should be more comprehensive in scope and, where possible, provide more details. He further suggested that in order to improve planning, implementation and effective evaluation, UNHCR should also involve implementing partners and representatives of refugee groups in preparing assistance programmes. He also suggested that UNHCR could conduct a biannual evaluation of durable solutions programmes with the full participation of refugees and implementing partners. He finally proposed that a table should be provided at the end of each country chapter in the assistance document, reflecting the evolution of the number of refugees benefiting from durable solutions programmes. An example of such a table was provided to the secretariat by his delegation.

158. One representative stated that there was a need for frequent and unrestricted access by UNHCR to refugee sites to ensure that the suitability of the sites was fully examined, that the needs of refugees were adequately taken into account and that the flow of information to the refugees concerning available durable solutions was not hindered. He asked whether, in relation to a certain country, these conditions were being met. The representative of that country stated that the information made available by UNHCR on particular sites in the country was sufficient to satisfy the international community and the Executive Committee with regard to free access to those sites and adherence to established norms.

159. The representative of UNDP said that the importance of linking refugee aid and development for the greater benefit of refugees and returnees, and for their host countries or countries of origin, was no longer at issue; it was a concept widely recognized by the international community as was evident from the debates and the recommendations of the Declaration and Programme of Action at the Second International Conference on Assistance to Refugees in Africa 6/ and its subsequent endorsement by the General Assembly in its resolution 39/139 of 14 December 1984. He gave an account of the follow-up action which had been entrusted to UNDP and on which UNDP had closely co-operated with UNHCR, both at headquarters level and on a daily basis in the field. With regard to durable solutions, he stressed the importance of human resources development which is the core of UNDP technical co-operation and without which self-reliance cannot be achieved. The jointly drafted guidelines for co-operation between UNHCR and UNDP outlined how projects

associating refugees in the wider development programmes of their host countries could be achieved. UNDP hoped that within the framework of those guidelines UNDP/UNHCR co-operation would continue to grow. UNDP looked forward to participating in the forthcoming UNHCR non-governmental organization workshop on refugee aid and development.

160. The Director of Assistance in his response said that he had listened closely to and carefully noted the comments and suggestions that had been made. He was thankful for the appreciation expressed by many speakers of UNHCR efforts in promoting durable solutions. Efforts would also be continued to achieve greater participation by refugees themselves in such programmes. Replying to questions referring to the Tindouf camps, he said the UNHCR representative did not need special permission to visit the camps but had to comply with the general regulations applicable to travel in the area; the camps were in a remote desert region and UNHCR had to depend on operational partners for the logistic arrangements for visits. Since the UNHCR representative arrived in March, he had visited Tindouf three times for periods ranging from several days up to a week; he had talked to the refugees through interpreters on various topics including that of voluntary repatriation.

161. Regarding the suggestion that global data on durable solutions be consolidated into a single document, the Director said that information on durable solutions was given in every country chapter of document A/AC.96/657. The preparation of that document was already a heavy burden on the secretariat and, recalling previous consultations with the Executive Committee on the optimal level of information flow, he felt that a balance might already have been reached. He suggested, therefore, that further duplication of work be avoided, although where possible the data in the country chapters could perhaps be made more comprehensive and more detailed. The Director also noted the request made by one representative to keep the topic of durable solutions as a separate item.

Decisions of the Committee

162. The Executive Committee:

(a) Took note of the report on durable solutions (A/AC.96/663 and Corr.1) submitted by the High Commissioner, commended his efforts in this area, reaffirmed its support of the measures undertaken to give renewed impetus to the promotion of durable solutions through voluntary repatriation, local integration in new communities or resettlement in third countries and urged him to use the authority of his humanitarian mandate to pursue his efforts in this regard;

(b) Appealed to Governments to take concrete measures to create conditions conducive to the voluntary repatriation of refugees, their local integration or failing that, their resettlement in third countries;

(c) Expressed serious concern at the continuing and grave deterioration in the funding of the High Commissioner's General Programmes, which might seriously affect programme components linked to the implementation of durable solutions, and called upon the international community to make adequate funds available to ensure the full implementation of approved programmes;

(d) Noted with satisfaction the interest shown by non-governmental agencies in the promotion and implementation of durable solutions, in co-operation with relevant Governments and the High Commissioner, and appealed to non-governmental agencies to increase their involvement in such programmes.

IX. UNHCR ASSISTANCE ACTIVITIES

(Item 11 of the agenda)

163. Introducing the report on UNHCR assistance activities in 1984-1985 and proposed voluntary funds programmes and budget for 1986 (A/AC.96/657 and Corr.1 and 2 and Add.1), the Director of Assistance referred to the general debate and the discussions on durable solutions, in the course of which Governments had reaffirmed their support for UNHCR assistance activities. He commented on the issues raised under two main topics: assistance to groups with special needs and improved programme management in the context of current financing problems. He said that major efforts had been and were being made to adjust assistance optimally in each programme to the specific needs of recipients. In most of the major programmes, which had by then gone beyond the emergency phase, UNHCR was trying to define more precisely the profile of particular refugee populations in order better to adapt the services provided and, wherever possible, to secure the active participation of the refugees themselves in defining their needs, in formulating plans and even in managing the assistance given. Such direct participation, especially of large groups, implied of course a representational structure among the refugees and broad tolerance on the part of the authorities of host countries. Whether in the case of children, women who were single or heads of family, the handicapped or urban refugees, UNHCR was endeavouring, in collaboration with appropriate governmental agencies and often with non-governmental organizations to foster activities responding as closely as possible to their needs. The needs of refugee women, for example, had been examined at a round table, held at Geneva in April 1985. The participants, who included leading figures from various regions, had encouraged UNHCR to compile more comprehensive data and to continue improving the systematic analysis of the specific needs of refugee women. In July 1985, the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi, had also discussed activities in favour of refugee women. A document reviewing UNHCR activities for women in the fields of health, education and employment was discussed; the document was available to members of the Executive Committee. Another example was that of assistance to urban refugees. Seven urban programmes in different countries were evaluated in a joint study by the Office's Evaluation Unit, the Policy, Planning and Research Unit and the Social Services Section. This resulted in the development of a useful model for an integrated programme for urban refugees which was circulated to field offices.

164. On the improved programme management in the context of the current financing problems, the Director said that the problems were more the result of a decline in secondary sources of income than a net decrease in contributions. These secondary sources consisted of carry-overs of unused funds from one year to the next, the cancellation of unspent obligations from prior years' projects and the interest from investments of funds not immediately required for operations. A few years ago, the Executive Committee had expressed concern at the size of the sums immobilized in this way and carried over from one year to the next. However, the improved programme management procedures implemented over the past few years, and their success, had the precise effect of absorbing these so-called secondary sources of income. Since 1981, UNHCR has maintained a relatively constant level of obligations under the General Programmes, despite the substantial increase since that date in certain influxes of refugees. He pointed out that three years ago, UNHCR had an unused reserve of \$113 million under the General Programmes, while the

total for unliquidated obligations stood at more than \$93 million, indicating the gap then existing between planning and effective field implementing capacity. Whereas in 1981 UNHCR had obligated 88 per cent of the approved appropriations under the Annual Programme, the percentage had risen over the past two financial years to 96 per cent, the result of improved planning which sought to keep to the realities of field implementation. Measures taken simultaneously to train UNHCR administrators and the staff of several implementing partners, the addition of specialist support staff and the essential contribution of the recently introduced project evaluation function had contributed to improved implementation. Another objective had been to tighten up project delivery schedules to ensure that approved appropriations were actually used during the year. In 1981, only 73 per cent of funds obligated during the year were actually disbursed by 31 December, but through more effective control and follow-up measures this percentage had now risen to 82 per cent.

165. The Director said that the effects of improved management on the financing of programmes were clearly apparent. All new contributions under the General Programmes were now obligated and used more and more rapidly, so that carry-overs, cancellations and interest earnings represented an increasingly smaller proportion of income. Measures had to be taken on two complementary fronts - through the search for additional resources and by pursuing improved programme management. Commenting on the latter, he said that although there was general agreement on the desirability of continuing and developing activities directly related to self-reliance and durable solutions, there also was an inherent contradiction. If the current financial difficulties continued, UNHCR would be compelled to interrupt activities relating to durable solutions to concentrate on survival measures for refugees. Another category of activities which would be at risk were services including lower secondary education, vocational training, counselling, legal assistance and projects for the most disadvantaged groups such as the disabled. Those were essential assistance elements that also contributed towards durable solutions. He thought it difficult to give lower priority to such projects than to durable solutions as such or to necessary care and maintenance activities. It seemed necessary, therefore, that UNHCR present a balanced programme comprising a fair balance of essential activities, all aimed at fulfilling the two fundamental objectives of meeting the basic needs of refugees and to seek durable solutions to their plight. Faced with the current financing difficulties, the preparation and implementation of the programme would call for more rigour than in the past. UNHCR would also have to rely on its governmental and non-governmental implementing partners to manage resources efficiently. They would, in particular, have to reduce administrative expenditures related to implementation and assume directly a greater part of those expenditures to ease the Office's assistance budget. More so than in the past, UNHCR would have to look in each case for the least costly arrangement and to resort to donations in kind or to international procurement where it would be less costly than local purchases. He felt that it would also be necessary for the Governments of asylum countries to adopt measures aimed at including, as rapidly as possible, refugees as beneficiaries of national development programmes. That would allow them to have recourse to development aid as well as more substantial co-operation with the agencies directly concerned with economic and social development activities. In response to several suggestions from representatives, he proposed that a seminar on the objectives of UNHCR assistance programmes be held in 1986 with the participation of members of the Executive Committee and UNHCR staff.

166. Many delegations expressed their appreciation for the detailed introduction given by the Director of Assistance. A number of representatives praised the quality of the documentation on assistance activities presented to the Executive Committee. Many representatives reaffirmed that the promotion of durable solutions was an essential objective of UNHCR assistance activities and commended the High Commissioner for having committed an increasing proportion of UNHCR resources to the implementation of self-reliance and durable solutions schemes. Concern was expressed by several representatives that the current financing difficulties might hamper activities relating to durable solutions.

167. The representative of Sweden said that recent events in Africa had proved the importance of emergency preparedness. Sweden had always been in favour of the High Commissioner's decision to establish an Emergency Unit attached to his executive office. The Unit's endeavours to promote the introduction of emergency systems and procedures should be encouraged. The training of UNHCR and operational partner professional staff was the most effective means of improving emergency management and response. The draft version of a UNHCR guide to in-kind contributions in emergency situations was appreciated; it was necessary to set standards in an area that had become increasingly complex. On the subject of refugee women, he referred to his observations made in the general debate on their special need for physical and legal protection; educational opportunities, health care and employment possibilities were often inadequate. It was important that income-generating and self-sufficiency activities suitable also to women be introduced on a larger scale in the camps. He praised the increasing and valuable contributions of non-governmental organizations in the initiation, planning, implementation and evaluation of assistance projects. His delegation supported the recommendation made at the ICVA conference that UNHCR and the non-governmental organizations co-operate to produce a manual of agreed guidelines clearly setting out the development principles, in relation to self-sufficiency, education and evaluation, to be taken into consideration from the start of emergency programmes. He also described the work of the Swedish Special Unit for Disaster Relief, which was currently active in the health and water-supply sectors in refugee camps in eastern Sudan following previous involvement with UNHCR in a number of projects in Africa, Asia and Latin America. The mandate of the Special Unit had recently been revised, making it possible for the Unit to be engaged in relief operations of a longer-term, developmental character.

168. The representative of Canada thanked the Director of Assistance for his particularly interesting introduction. His delegation appreciated the pivotal role and importance of UNHCR assistance activities. He was aware of the serious work that had gone into preparing the country programmes, both in the field and at headquarters. In an economic context that would probably remain difficult, the necessary and direct linkage of durable solutions and of provision for the essential needs of refugees was increasingly important. He hoped that UNHCR would provide the elements to assist understanding of the rationale, strategies and time-frame for those activities and that such analysis would be reflected in the documentation on UNHCR assistance activities. He hoped that a mechanism could be identified to strengthen the collective capacity to review complex programmes and large-scale activities. He welcomed the suggestion of the Director that a seminar be held where members of the Executive Committee and UNHCR staff could consult on those matters.

169. The representative of the Netherlands expressed appreciation that the High Commissioner had looked into the question of emergency preparedness. The note

submitted to the Executive Committee was part of the broader question of how to organize within the United Nations system a more effective emergency preparedness and response to very serious crises, as has happened in Africa. He had several questions which were not meant to be critical of any particular organization since no one could have known that such massive numbers of people would have sought relief in neighbouring countries. He understood that the United Nations Office for Emergency Operations in Africa was looking into an early warning system to anticipate such events and hoped that UNHCR would be associated in those consultations. He asked whether UNHCR could discreetly inform Governments of the possibility of impending refugee flows. He next asked whether UNHCR would examine the possibility of creating an emergency pool of core staff available for temporary redeployment to crisis situations. He hoped that UNHCR could draw upon the dramatic experience in Africa and, in close co-operation with UNDP and affected countries, take adequate measures to strengthen emergency preparedness in the field. Noting that in the Sudan an experimental overall plan of operation had been prepared, he asked whether more information could be given on the experience with such a management tool.

170. The representative of Australia noted with interest the introductory remarks of the Director of Assistance. He strongly endorsed the conclusions of the Sub-Committee of the Whole on International Protection with regard to refugee women as well as the conclusions of the Nairobi Conference. While the special vulnerability of refugee women had been widely acknowledged and emphasized, the Nairobi conclusions recalled the pivotal role of women in developing income-generating activities, in preserving cultural traditions, in adjusting to changing living conditions and in providing basic care for children and elderly members of the family. He particularly endorsed the proposal that UNHCR include in its overall policy and programme planning specific recommendations and directives aimed at improving the capacity for self-reliance of refugee women and their families. He welcomed the Office's decision to report regularly on the situation of refugee women and on specific action taken or proposed and looked forward at the next session of the Committee to receiving more details, including statistical and sociological data, to facilitate the identification and implementation of the measures discussed at the present session. He welcomed the suggestion of the Director of Assistance for consultations on the objectives of UNHCR assistance programmes. He noted particularly that the categorization of assistance expenditure employed in document A/AC.96/657 made it difficult to identify the end purpose of particular expenditures. His delegation, like others, greatly appreciated the efforts made by UNHCR in recent years to increase the proportion of expenditure on durable solutions and to provide more information to the Executive Committee on this subject. He was concerned however that the problems of categorization already mentioned could make it difficult to appreciate the full range of UNHCR efforts on durable solutions. Although the diagrams in paragraph 5 of document A/AC.96/657 showed the proportion of expenditure devoted to durable solutions, refugee services and care and maintenance, no definition of those terms or explanation of their relationship was provided; it was consequently extremely difficult to relate these diagrams to individual country chapters. UNHCR and the Executive Committee had to be able to determine at any one time which of its activities were directed to durable solutions, broadly and in particular refugee situations. It did not seem to him that the present system of reporting on expenditure fully satisfied this end.

171. The representative of Algeria expressed his thanks to the High Commissioner, the Director of Assistance and all those who had contributed to the production of

the high-quality documentation and who, within the framework of their respective duties, had made possible the work that had been accomplished. He underlined the exemplary co-operation that existed between his Government and UNHCR, which had recently manifested itself again by the opening of a permanent UNHCR presence at Algiers. With regard to UNHCR assistance in Algeria, he noted that particular stress was placed on the implementation of self-sufficiency projects for the benefit of the Sahrawi refugees. The amount of such assistance represented, however, only a small proportion of the efforts made by Algeria which, incidentally, contributed fully to the optimum utilization of that assistance. The reports of regular field missions and document A/AC.96/657 confirmed that assessment. In reply to the criticisms of one delegation, the representative of Algeria regretted that the activities, objectivity and impartiality of UNHCR should have been questioned. The replies that various UNHCR officials had been induced to give had spared his delegation the trouble of making unnecessary statements. Those replies were such as to remove any misunderstanding, the more so as it was open to any delegation to visit the area and evaluate the situation, needs and deepest aspirations of the Sahrawi refugees. For its part, the Algerian delegation approved of all the conclusions of and communications by UNHCR. Moreover, UNHCR assistance to the Sahrawi refugees, which had been included in the General Programmes in 1980, continued to be endorsed by the Executive Committee, which was fully informed concerning the relevant matters. As for the question raised by the same delegation on the subject of voluntary repatriation, the representative of Algeria considered that, as in the case of all refugees, that was the most satisfactory situation but that it still depended on the causes underlying the Sahrawi refugee situation. The same delegation continued to set out its thesis, putting forward the same twisted data and the same erroneous arguments. The political debate on those causes took place in other more appropriate forums such as OAU, the Movement of Non-aligned Countries and the General Assembly, which had provided clear responses that were known to all. The Algerian representative reiterated the commitment of his country to pursue its co-operation with the High Commissioner and left it to the wisdom of the Executive Committee to apply to all refugees in all circumstances the traditions of work of the Committee and the humanitarian principles of UNHCR.

172. The representative of Morocco thanked the Director of Assistance for having replied to his questions posed during discussion of the preceding agenda item although some of the answers were not entirely satisfactory. He took note particularly of document A/AC.96/657, but expressed his explicit reservations on the content and form of that part of the document dealing with the Tindouf camps. His delegation objected to the bias shown in paragraph 180 and in the table on page 61 (of the French version) as well as other documents and statements; those contrasted with the restraint observed in paragraph 179 which correctly used the description "a group identified by the Algerian authorities as being Sahrawi refugees" as adopted at the Second International Conference on Assistance to Refugees in Africa. He questioned the departure of UNHCR from the careful wording of paragraph 179 and requested that the Conference formulation be used in dealing with this matter. He referred to two appeals by his Government in 1976 and again in 1983, assuring those persons who wished to return that they could do so in complete security. His Government would readily accept that such a voluntary repatriation exercise be conducted under the auspices of UNHCR in full conformity with established procedures. The goodwill shown by Morocco had been ignored. Meanwhile the numbers of people at Tindouf had been steadily inflated; only a census and identification exercise would clarify definitively the true state of affairs. On humanitarian grounds, Morocco had not opposed the programme to assist

those persons but the outcome had been unsatisfactory; assistance had increased over the years without tangible results and a durable solution was not in sight. He requested again that the High Commissioner comply fully with his humanitarian mandate. He expressed reservations on the subject of a request for an allocation of \$3,522,000, since he was unwilling to endorse an operation of assistance to persons who were supporting, financing and arming aggression against his country. He nevertheless renewed his country's commitment to continue to co-operate with UNHCR for the promotion of authentically humanitarian solutions.

173. The representative of the Islamic Republic of Iran described the trend of Afghan refugee influxes into Iran between 1980 and 1985 and informed the Committee that the number of Afghan refugees had increased from 500,000 to some 2 million during the past five years. He renewed his appreciation for UNHCR concrete achievements in assisting refugees in his country and urged the Executive Committee to preserve the non-political character of that work. He appealed to UNHCR and the international community to increase emergency assistance to the Islamic Republic of Iran in order to help this growing number of refugees. He pointed to the need for an additional \$60 million of assistance towards the costs of existing camps in his country.

174. The representative of the Sudan commented that the current session of the Executive Committee was held against the background of an international refugee situation characterized by continuing refugee influxes in Africa, Asia and Latin America and by military attacks on refugee camps in Africa and the Middle East. He noted with deep apprehension the serious financial shortfall and cash flow problems faced by UNHCR in 1985, as well as the reduced budgetary allocations for the revised 1985 and proposed 1986 General Programmes. He appealed to the international community to increase its financial support to UNHCR to provide assistance to refugees as required. The representative described the large refugee influxes from Ethiopia and Chad into eastern and western Sudan, respectively, and the devastating effects of the drought which had increased the magnitude and complexity of the refugee situation in his country. He reaffirmed the liberal and humanitarian attitude of his Government in respect of refugees and asylum-seekers. Having completed his general remarks, he emphasized that assistance to refugees should be considered as a right and appealed to donor Governments within the framework of the principle of burden-sharing, to set aside allocations for refugee assistance in their annual budgets for financing both care and maintenance assistance and durable solutions through the promotion of voluntary repatriation, local integration and self-sufficiency activities, which constituted the ultimate objectives of UNHCR assistance programmes. He suggested that additional funding for development-related programmes could be solicited from the World Bank and the International Fund for Agricultural Development. In this context, he said that although there were 1 million refugees in his country, General Programmes appropriations for 1985 and 1986 had been reduced by some 50 per cent. He noted that such a sharp reduction had nevertheless ignored the devaluation of the Sudanese pound and had not taken into account the prevailing economic conditions in the country, including inflation. He proposed the establishment of the budgets of various assistance programmes in United States dollars in order to avoid the recurring effects of exchange rate fluctuations. He then referred to the Plan of Action which was elaborated by the High Commissioner in consultation with an advisory committee for the development of areas with refugee concentrations, but wondered why this Plan of Action had not been implemented. He also endorsed the recommendations of the World Conference to Review and Appraise the Achievements of

the United Nations Decade for Women: Equality, Development and Peace. Finally, he expressed his thanks and appreciation to the High Commissioner for his efforts on behalf of refugees.

175. The representative of the United Republic of Tanzania expressed his concern at the substantial budget reduction of the approved original 1985 and proposed 1986 General Programmes target for the United Republic of Tanzania. He noted that the reassuring observations contained in the next-to-last sentence of paragraph 15 of document A/AC.96/657 concerned the Africa region as a whole but did not specifically apply to the United Republic of Tanzania; the financial difficulties and the need for adequate assistance to refugees in that country had not been properly taken into account. While registering his dissatisfaction with the budget reductions in his country's refugee assistance programme, he very much hoped that a reasonable solution to this problem would be found by all the concerned parties.

176. The representative of the Federal Republic of Germany asked for the reduction of the 1985 revised target by \$4.9 million that had been added because of an unfavourable exchange rate in a certain country. He noted that this was not in line with normal procedure in the United Nations. He mentioned that the problem was raised at UNDP and the matter taken to arbitration, and the Executive Committee should not interfere with this procedure.

177. The representative of Norway said he was heartened by the generous pledges made by many delegations during the course of the session. He announced a new contribution by his Government to the High Commissioner's Programmes for 1985 and said that additional earmarked contributions might be announced before the end of the year. He pointed out that it had always been the view of his delegation that the High Commissioner should be left to set the priorities of his assistance programmes within the framework of the available resources, which would always be limited. In the difficult financial situation, which would continue through 1986, his delegation was of the view that they must entrust the High Commissioner to set his priorities in accordance with the expected available resources; it was not for the Executive Committee to list detailed priorities throughout the planning period; they were invited to comment and decide upon the High Commissioner's proposed priorities at the annual meetings of the Executive Committee and at informal meetings during the programme period. His delegation was always willing to discuss with the High Commissioner the problems he faced, but did not find it necessary to arrange an additional seminar in order to discuss the details of the complicated programme priorities. He wished to stress in this connection that the administration at an early stage must have clear priorities in mind so that it could make necessary adjustments during the year.

178. The observer of Burundi praised and thanked the High Commissioner for his vigorous efforts to help refugees during his term of office. The documentation on assistance activities showed that the Director of Assistance was eminently capable of the task entrusted to him. He described the refugee situation in his country and pledged his Government's unstinting help to refugees regardless of origin or numbers. He sensed that a feeling of compassion fatigue was gaining way in donor countries, which seemed to stem from economic crisis or recession. Citing the decision of the Government of Italy to donate \$1,000 million to refugees in Africa, he said this was an example of realism going hand-in-hand with conscience. The Netherlands, France and the Nordic countries had shown at the Conference of Least-developed Countries, held at Geneva in October 1985, that they too looked to the future in a realistic way. He felt that the vain attempt to analyse causes of

refugee movements should be given up. A lasting approach would be to raise the consciousness of people everywhere to the problem of refugees. In his country, there was pressure on available land, yet refugees continued to be received.

179. The observer of Guatemala expressed her deep concern about the fate of Guatemalan refugees scattered in the border areas within the state of Chiapas in Mexico and reported that her Government was negotiating with the competent Mexican authorities and had asked the co-operation of the Guatemalan and Mexican national Red Cross Committees and UNHCR in facilitating the return of those persons to their home country; in this respect, she requested that the process of direct consultation with the refugees be further implemented and accelerated. She added that their return to Guatemala would be of their free will and in accordance with the acceptable conditions for voluntary repatriation. She noted with appreciation that several thousand Guatemalan refugees in Mexico had voluntarily repatriated. In this context, she informed the Committee that her Government had invited the High Commissioner early this year to visit and to see for himself the progress achieved in the reintegration and rehabilitation of returnees. She affirmed that her Government's policy towards refugees was truly humanitarian and that it fully subscribed to the Cartagena Declaration. She thanked the Government of Mexico for its hospitality and generous aid to Guatemalan refugees and expressed appreciation for the assistance given to them.

180. The observer of Zambia expressed appreciation for the continuing assistance provided by UNHCR to refugees in Zambia and described his Government's difficulties in coping with the increasing refugee population in his country and the new influxes from Mozambique, Namibia, Uganda and Zaire. Being a land-locked, least-developed country Zambia was unable to provide immediate assistance to the newly arrived Mozambicans. He appealed for emergency food aid for this group. Concerning the screening and registration of refugees in Zambia, he informed the Committee that so far, some 61,743 refugees had been registered and 35,940 had been issued with refugee identity cards. He also reported that the conditions of spontaneously settled refugees in Zambia had become unbearable and regretted that the educational and health infrastructure, including equipment in the organized settlement, urgently needed replacing as well as new facilities and feeder roads within areas with high concentrations of refugees. In this regard, he noted with satisfaction the support of several donor Governments, some non-governmental and intergovernmental organizations for some of the infrastructural projects submitted at the Second International Conference on Assistance to Refugees in Africa and called for donors to provide more resources to finance the implementation of urgently required projects. He renewed his Government's commitment towards the promotion of voluntary repatriation as the most desirable durable solution for refugees in Zambia.

181. The observer of Ethiopia noted that he had listened carefully to the introductory remarks made by the Director of Assistance and praised the presentation of document A/AC.96/657 and its clarity. He expressed concern at the critical financial situation facing UNHCR and the adverse effects of reductions in the 1985 and 1986 General Programmes on the funding and implementation of durable solutions for refugees and returnees. He pointed out that, in his country, they had always managed to be cost-effective in the planning and management of refugee assistance programmes by deploying a small number of efficient local personnel to deal with development and implementation; they practised an open-door policy whereby representatives of donor countries and organizations were allowed free access to assess and monitor the implementation of refugee projects and by

organizing a system of registering refugees that produced credible data appropriate for planning a realistic assistance programme. With regard to paragraph 341 of document A/AC.96/657, he stated that the United Nations relief operation in Ethiopia had not, to the best of his knowledge, so far committed itself to making the donation. Furthermore, he stated that the said office did not have resources of its own which it could budget for such a programme; the returnees should, therefore, continue to be of direct interest to UNHCR. Finally, he stressed that the denial of full assistance to this group of returnees would only result in discouraging future programmes of repatriation and encourage repatriates to cross the border, thereby becoming refugees once again.

182. The observer of the World Food Programme (WFP) described his organization's supply of food aid to refugees. In 1984, WFP committed almost 750,000 tons of emergency food aid at a cost of \$234 million for man-made and natural disasters; of this, approximately 436,000 tons were provided as emergency assistance to refugees and returnees. WFP expected that the same magnitude of assistance would be provided in 1985, which would follow the pattern of devoting some two thirds of their total annual emergency assistance to refugees. It was essential for refugees, who relied almost wholly upon external assistance, that their basic food requirements be met. For this reason, WFP attached the highest priority to the provision of emergency food aid to refugees. Because supply lines were usually tenuous, WFP had recently been obliged on a number of occasions to resort to expensive ad hoc measures such as the diversion of food aid shipments destined for other purposes to prevent disruptions of delivery of food aid to the refugees. Meanwhile, in a world of increasing demand and shrinking resources, it had become progressively difficult to maintain the focus of attention on the continuing food aid needs of refugees. The Executive Director of WFP had met earlier in 1985 with the High Commissioner to discuss measures to put their joint efforts on a more structured and systematic footing. Those included joint WFP/UNHCR assessments of refugee food aid requirements sufficiently in advance to enable WFP to organize an orderly flow of the food aid committed by various donors to refugee operations. For large-scale refugee operations, annual assessment missions from UNHCR and WFP headquarters would be fielded. Joint missions to Pakistan and Somalia to assess the food aid requirements for 1986 had been completed recently.

183. The observer of the European Economic Commission described its future activities assisting refugees. Out of a total of 290 million Ecus, equivalent to \$250 million, of aid, to which would be added donations in kind given under the terms of the new Lomé Convention, at least 80 million Ecus would be devoted to refugees and repatriates as from 1986. The total in contributions to UNHCR programmes to date in 1985 from the member States of the European Economic Community and the Community as such amounted to \$120 million.

184. The representative of the United States of America appealed to other members of the Executive Committee to support the requested additional increase of \$4.9 million to the revised 1985 General Programmes financial target of \$314,150,300, bringing it to a new revised total of \$319,050,300, in order to enable UNHCR to absorb the existing exchange rate differential in Somalia. He said that if the outcome of that arbitration process was favourable, the current 1985 General Programmes financial target should be reduced accordingly. This position was endorsed by the representatives of Canada, Denmark and the Federal Republic of Germany.

185. The Director of Assistance began his introduction to the report on the resettlement of refugees (A/AC.96/661) by thanking all Governments, the Intergovernmental Committee for Migration and the many non-governmental organizations whose active and close co-operation had helped UNHCR to find resettlement opportunities for many refugees with no alternative durable solution.

186. The Director noted that the response of individual resettlement countries to the need for refugee resettlement varied from case to case depending on the situation of individual refugees or groups of refugees in the country of first asylum. He expressed concern that fewer countries were now offering resettlement places and appealed to all Governments to reconsider admission of refugees, whenever possible establishing annual resettlement quotas.

187. Co-operative resettlement efforts such as the RASRO and DISERO schemes and the "Twenty or More" plan were particularly welcomed by the Director, who recalled that offers of refugee resettlement should benefit the refugees most in need and have the objective of providing a durable solution to bona fide refugees, whatever their personal background and status.

188. The representative of Sweden stated that her Government's resettlement quota would remain unchanged at 1,250 places and emphasized that most of these places would be allocated on the basis of recommendations by UNHCR. She stated that in the past Sweden had given priority to refugees from Latin America but was now increasingly accepting refugees from South-West Asia and would consider admitting some cases from Hong Kong within the annual quota. On the question of spontaneous arrivals, she suggested that UNHCR could play a more active role.

189. The representative of the United Kingdom of Great Britain and Northern Ireland informed the Executive Committee that his Government would accept 550 refugees from Hong Kong at the rate of 40 per month. These refugees would be outside normal family reunion criteria. The representative referred to the High Commissioner's visit to Hong Kong and to his appeal for an international effort to reduce the large caseload of long-stay refugees in the territory. He stated that Hong Kong was willing to absorb a further number of Vietnamese refugees of Chinese ethnic background, if the High Commissioner's appeal was answered.

190. The representative of Canada referred to the problem of "orbit cases" and suggested that co-ordination between resettlement countries could be improved in finding solutions to that and other problems through participation, with UNHCR, in annual planning exercises. He welcomed the co-operative international effort of RASRO and suggested that the RASRO process could be expanded in other directions.

191. The representative of the Netherlands said that there appeared to be some uncertainty as to the nature of the problems that resettlements aimed at present to solve. He considered it obvious that resettlement was needed when the security of a refugee was in immediate danger. Furthermore, he said, it appeared that in an increasing number of cases refugees had to be resettled because the Government of the country where they were receiving protection might, for political reasons, feel impelled to see to it that the refugees concerned leave its territory, either to a third country or to the country of origin. In those cases resettlement might be the only alternative to refoulement. He stressed that in cases where resettlement was not sought for reasons of protection but to improve the socio-economic integration of the refugees concerned into an asylum country, action should only be taken if their individual characteristics matched the opportunities that the

prospective resettlement country had to offer. Special attention to South-East Asia was called for and the representative supported the proposal of the representative of the United States that a high-level co-ordinator be appointed to explore all possible durable solutions in the area. The suggestion by the Canadian representative that co-operation between resettlement countries, under the co-ordination of UNHCR, should be improved was also endorsed.

192. The Director of Assistance replied to comments made by the representative of the Netherlands and to a question raised by the representative of the Sudan on matters pertaining to his Division. In the area of emergency preparedness in the field, a number of measures had been taken, including the launching of an emergency preparedness seminar recently at UNHCR headquarters at Geneva for both headquarters and field staff. That training programme was highly appreciated by all the participants. In a related activity, a joint non-governmental organization/UNHCR training programme in emergency preparedness had been organized and a further advanced emergency management training course had been designed to take place at the University of Wisconsin. The purpose of such courses and seminars was to help better prepare and equip a small pool of UNHCR staff members with the requisite skills necessary to manage an emergency relief programme.

193. The Director of Assistance also referred to the Handbook for Emergencies, which was widely used both at headquarters and in the field. The Director also noted that the temporary redeployment of headquarters staff to the field where additional manpower resources were required had become a routine practice. He informed the Committee that in the past, a mission roster of staff who were willing to go for longer-term missions on short notice had been established. Similarly, a roster of expert consultants was also available for immediate use during crises or emergencies. With regard to the early warning system, the Director commented that while UNHCR was not technically equipped with the appropriate resources and expertise to undertake precise and accurate early warning systems, the vast experience gained in handling emergency operations in Africa, Asia and Central America had enabled the organization to develop a reasonable capacity to predict refugee influxes, food aid or supplies shortages. He cited the example of new refugee influxes from Ethiopia into eastern Sudan in 1984-1985, where UNHCR had accurately forecasted the massive movement of refugees into the Sudan since early 1983. UNHCR was fostering full co-operation with the United Nations Office for Emergency Operations in Africa where a UNHCR senior Professional officer had been seconded. However, the Director of Assistance noted that it was very hard to put formal early warning systems into operation unless donor countries and countries of asylum undertook joint ventures in this area.

194. Responding to the request by the representative of the Sudan for information on the plan of operations which had been prepared in the Sudan, the Director said that an operational plan had been drawn up in co-operation with the operational partner. The plan of operations, which was an interesting tool for emergency operations, provided some information on what UNHCR intended to do; it still contained some shortcomings, but once these were eliminated it could provide useful lessons for future emergency operations.

195. The Chairman's remarks in concluding the consideration of items 11 and 12 are found in section XV of the present report.

Decisions of the Committee

196. The Executive Committee:

A

- (a) Took note with satisfaction of the progress achieved by the High Commissioner in the implementation of the General and Special Programmes in 1984 and the first months of 1985, as reported in document A/AC.96/657;
- (b) Noted with appreciation that in 1984, for the second consecutive year, the level of General Programmes implementation stood at nearly 90 per cent of the approved target;
- (c) Commended the High Commissioner for the measures already implemented to improve programme performance and emergency response through the development of management systems and manuals and the training of staff and urged him to continue to pursue his efforts in that direction;
- (d) Having noted a dramatic reduction in the resources available to the High Commissioner for the implementation of General Programmes, expressed most serious concern at the possibility of a suspension of certain activities and services approved by the Executive Committee at its last session, and called upon Governments to make adequate funds available to ensure that the identified needs of refugees were met;
- (e) Recommended that the High Commissioner should undertake a systematic review of projects with a view to making maximum use of existing financial resources while ensuring that essential assistance to refugees was delivered in a timely fashion;
- (f) Recommended further that the High Commissioner should consider the organization in 1986 of consultations by which members of the Executive Committee could have the opportunity to discuss ways and means to ensure a better understanding of proposed programmes in relation to the objectives of the Office;
- (g) Commended Governments giving asylum to refugees, as well as non-governmental organizations, for their essential role in the implementation of refugee assistance programmes and urged them to strengthen their co-operation with the High Commissioner with a view to making the best possible use of limited financial resources, inter alia, by increasing their direct financial and administrative contributions in support of refugee programmes and by seeking the most cost-effective alternative in the implementation of programmes;
- (h) Requested Governments of countries of asylum to give consideration to the inclusion of development-oriented refugee programmes in their national development plans;
- (i) Took note with appreciation of the report on UNHCR evaluation of assistance activities (EC/SC.2/26) and reiterated its support to the evaluation function.

(a) Took note of the report on the resettlement of refugees (A/AC.96/661) and encouraged UNHCR to promote resettlement when neither voluntary repatriation nor local integration was a feasible durable solution;

(b) Appealed to Governments to facilitate the admission of refugees by flexible implication of criteria in providing resettlement opportunities and by clearly distinguishing between refugees in need of resettlement and ordinary immigrants;

(c) Commended UNHCR for assisting interested Governments in the planning of their resettlement programmes and called on Governments to co-operate closely not only with UNHCR but also with each other, and called upon UNHCR to play a co-ordinating role in the resettlement effort;

(d) Requested UNHCR to consult with interested Governments in order to facilitate the admission and resettlement of individual refugees whose presence affected national security in the country of first asylum or the safety or freedom of the refugee;

(e) Commended Governments that provided "emergency" resettlement places at short notice at the request of UNHCR and urged other Governments to consider providing such places;

(f) Requested Governments to establish, where appropriate in co-operation with UNHCR, adequate processing arrangements in countries of first asylum to facilitate the resettlement of refugees in third countries, thereby helping to alleviate the problem of "irregular movements";

(g) Expressed concern about the high number of Indo-Chinese refugees in camps, for many of whom resettlement was the only feasible durable solution, and called on Governments that were not yet doing so to participate in the resettlement effort on a regular basis by, inter alia, applying criteria that allowed the admission of refugees who did not have links to any third country;

(h) Considered favourably the admission of larger numbers of disabled refugees in need of resettlement, and renewed its appeal to Governments that the "Ten or More" plan become a "Twenty or More" plan and that Governments not already participating join the plan;

(i) Noted the pressing need for continued support for the "Disembarkation Resettlement Offers" (DISERO) scheme and the "Rescue at Sea Resettlement Offers" (RASRO) scheme and recommended that Governments should renew and extend their participation or join in those efforts to provide resettlement places in a spirit of burden-sharing;

(j) Took note of and commended the Office's continuing efforts to promote the Orderly Departure Programme from Viet Nam.

(a) Took note of the allocations made by the High Commissioner from his Emergency Fund during the period 1 July 1984 to 31 May 1985;

(b) Took note of the observations made by the Advisory Committee on Administrative and Budgetary Questions contained in document A/AC.96/664;

(c) Reviewed schedule A of document A/AC.96/657 and approved the following:

- (i) The proposals for "new and revised" allocations under the 1985 General Programmes for both operations and programme support and administration as summarized in table III, column 12, of document A/AC.96/657 as amended by document A/AC.96/657/Add.1;
- (ii) A revised financial target of \$309,050,300 (not including the \$10 million Emergency Fund) for 1985 General Programmes, which would be reduced by an amount of \$4.9 million if the outcome of the current arbitration process was favourable to such a step;
- (iii) The country and area programmes and the overall allocations for 1986 General Programmes as summarized in column 13 of table III of document A/AC.96/657, pertaining to operations and to programme support and administration;
- (iv) The financial target of \$320,410,000 (not including the \$10 million for the Emergency Fund) for 1986 General Programmes as shown in column 13 of table III of document A/AC.96/657;
- (v) The proposal set out in paragraph (e) of schedule A of the introduction to document A/AC.96/657.

X. ADMINISTRATIVE AND FINANCIAL MATTERS

(Item 12 of the agenda)

197. The Chairman introduced the report of the Sub-Committee on Administration and Financial Matters (A/AC.96/670), which is attached as annex III to the present report. The Sub-Committee had carried out a constructive review of the items on its agenda. It had considered the grave financial crisis facing UNHCR and its report contained comments and suggestions in response to the presentation of the Director of External Affairs. In the field of management, programme support and administration, the concern and queries of the Sub-Committee were faithfully reflected in the report along with the explanations of the Director of Administration and Management. The Sub-Committee had also heard the views of the Chairman of the Staff Council. Note had been taken of the comments made by the Board of Auditors and of the remedial action undertaken by UNHCR. With regard to programme implementation and evaluation, the report reflected the discussion on the suggestion by some representatives that UNHCR establish priorities in the event of a future funding crisis; it had been explained that the programmes submitted to the Executive Committee were already those of highest priority.

198. One representative had raised the issue of an independent programme audit and had received all relevant information from the Director of Administration. The Chairman expected that the issue would be referred to the relevant authorities in New York rather than to the Executive Committee for a decision. The delegation concerned confirmed this understanding.

199. The Director of Administration and Management recalled the extensive survey which the Sub-Committee on Administration and Management had undertaken and reaffirmed the wish of UNHCR to pursue its efforts in the following vital areas, which had been the subject of the discussions: a greater delegation of responsibility, improvement of staff conditions in the field, maintenance of administrative costs at the lowest possible level, zero growth in staff, improved personnel policy for all staff irrespective of duty station, recruitment on the widest possible geographical basis, and a policy aimed at increasing the number of female staff in UNHCR and their representation in increased numbers at senior levels of the Office.

200. The Director then evoked the triple framework in which the administrative and management activities of UNHCR took place: in the field, at headquarters at Geneva and at United Nations Headquarters in New York.

201. In the field, UNHCR was represented in 64 capitals and had 41 offices outside capitals, a total of more than 100 different duty stations. Staff rotation between these posts and between headquarters and the field was becoming more and more systematic. Working conditions and conditions of employment in the field were partly set at United Nations Headquarters in New York or in collaboration with Headquarters. UNHCR, however, had a certain latitude in various areas, notably within the framework of the revolving fund for staff housing in the field and for the provision of basic amenities, the increase of which was requested of the Executive Committee.

202. Concerning financial control of the programmes in the field, a clear and precise system was in place; however, it was necessary to maintain and strengthen

efforts, in co-operation with operational partners, in order to put theory entirely into practice. Regional seminars on the subject had been organized by UNHCR in Africa, in Latin America and in Asia.

203. Although UNHCR headquarters worked to a great extent within a framework set by United Nations Headquarters, it still had some latitude on the basis of the Office's statute: recruitment, staff training and careers and its own financial rules concerning voluntary funds (approved by the General Assembly and the Executive Committee). UNHCR headquarters also had a key role to play in delegating responsibility to the field. Another important point was the development by headquarters in recent years of its computer services, including in the field.

204. Concerning the United Nations in New York, the UNHCR administration was linked to the Secretariat as well as to such bodies as the General Assembly, through the Fifth Committee, and the committees depending on it. It was especially within this framework, and given that UNHCR was subsidized by the United Nations regular budget, that exercises such as the Professional post classification could not be completed or implemented without the approval of United Nations Headquarters, whose action thus complemented that of the Executive Committee. Another question, which was suffering from paralysis at the moment, was the transfer of a number of posts from voluntary funds to the regular budget. Finally, that UNHCR came under the United Nations regular budget made it necessary to participate in a rather heavy system of preparing specific plans and reports which UNHCR sought to harmonize with the reports presented to the Executive Committee.

205. In conclusion, through a set of constraints and conscious of the progress still to be made, the UNHCR administration sought to advance not as an end in itself, but as a means to contributing to maintaining a sensitive and dynamic organization.

206. The Chairman of the Staff Council thanked the Committee for the unprecedented opportunity to address it in plenary session. He did not want to repeat all that had already been said to the Sub-Committee on Administrative and Financial Matters, but wished to allude to certain issues that would bear repetition. He pointed out that the Office's ability to fulfil its mandate depended on the ability of UNHCR staff members to perform their functions effectively. Expressing appreciation for the Committee's concern for working conditions in the field, he urged that members support efforts across the United Nations system that recognize and reward field service. He touched on a number of issues in which agreed principles needed to be more fully implemented, notably regarding the delegation of authority, staff training, rotation, and the role of women in UNHCR. He urged Governments to approve the job classification recommendations, particularly in respect of the field. He also felt that the overall composition and distribution of staff should reflect the realities of the problems the Office had to contend with, particularly in the developing world; this was not incompatible with maintaining the highest standards in recruitment and promotion. The Chairman of the Staff Council thanked the Committee for its faith in the process of staff representation at UNHCR and described the high degree of motivation and commitment among staff, which had been borne out by the reaction of colleagues, particularly in the field, to the Council's appeal to donate one day's salary to UNHCR work. He concluded with a tribute to the departing High Commissioner, Mr. Poul Hartling.

207. In regard to staff rotation, one delegation expressed the view that removal of competent field staff within two years could delay important decisions, particularly in Africa, thereby impairing the efficiency of UNHCR.

208. Another speaker expressed his appreciation of the Office's continued efforts to fulfil its responsibilities. He noted that the burden on UNHCR had increased owing to evolving refugee situations which made it all the more important to ensure more comprehensive financial and budgetary control. The speaker felt that the report of the Board of Auditors required active consideration by UNHCR. Governments and implementing partners should also assist UNHCR in its efforts to implement its programmes efficiently.

209. In this regard, the late payment of contributions posed a problem to UNHCR and the speaker indicated that his delegation would endeavour to pay its contributions in early 1986. The speaker also indicated that, in the view of his delegation, contingency plans must be established by UNHCR.

210. The same delegation expressed appreciation for the address given by the representative of the Staff Council and underlined the importance of career development, greater delegation of decision-making authority to the field and efficient recruitment and training policies.

211. One speaker, heartened by additional pledges made by delegations in view of the financial crisis, was pleased to announce an exceptional donation towards the 1985 programme and indicated that a further earmarked contribution was under consideration and could be announced before year end.

212. The same speaker felt that the setting of priorities within the framework of available resources could be the responsibility of UNHCR rather than the Executive Committee, although consultation from time to time with the latter was necessary. He felt that additional meetings or seminars were not required but stressed that the administration must have its priorities clearly formulated.

213. Another speaker, in referring to the guidelines of the Administrative Management Service, underlined the importance of consultation with the staff in the implementation of policies. He expressed appreciation to the High Commissioner for permitting the representative of the Staff Council to address the meeting.

214. The same speaker invited the High Commissioner to pay further attention to staff-related matters in order that the rotation scheme could be implemented at all echelons. His delegation supported the early implementation of the Professional job classification exercise and hoped that the General Assembly at its next session would approve the recommendations submitted, including the posts of representative in Ethiopia, the Sudan and Thailand. The speaker welcomed ongoing efforts concerning the delegation of authority to the field. He felt that redeployment of posts from headquarters to the field to areas with pressing refugee situations should continue and that streamlining of offices in less affected countries deserved further consideration.

215. The speaker had noted the firm and constructive measures taken by the High Commissioner in response to issues raised by the Board of Auditors and the concerns expressed in the report of the Joint Inspection Unit. This course of action should continue. He underlined the importance of resolving these management problems in order not to jeopardize UNHCR fund-raising efforts.

216. One speaker asked for a reduction of the 1985 and 1986 targets because the proposed targets were not realistic. He referred to the reports of the United Nations Board of Auditors and of the Joint Inspection Unit, as well as the report

on UNHCR evaluation of assistance activities presented to the Sub-Committee on Administrative and Financial Matters and asked for further improvements in programme planning, implementation and financial control. He asked for the establishment of priorities and wondered whether it would not be necessary to interpret the Office's mandate more restrictively.

Decisions of the Committee

217. The Executive Committee:

A

(a) Took note with appreciation of the report of the Sub-Committee on Administrative and Financial Matters (A/AC.96/670).

B

(a) Took note of the administrative and programme support sections of the report on UNHCR assistance activities in 1984-1985 and proposed voluntary funds programme and budget for 1986 (A/AC.96/657 and Corr.1 and 2 and Add.1);

(b) Noted further the report of the Advisory Committee on Administrative and Budgetary Questions (A/AC.96/664) and the comments contained therein;

(i) Expressed its general appreciation for the level and quality of the documentation on administrative issues provided to members of the Executive Committee and urged that the constructive dialogue between the High Commissioner and members of the Executive Committee on these questions be maintained, both informally and through the Sub-Committee on Administrative and Financial Matters;

(ii) Expressed appreciation for the efforts made by the High Commissioner in maintaining the zero growth of posts and stressed the importance of continuing efforts to meet additional staffing needs through the redeployment of posts from headquarters to the field and within the field, particularly in the light of budgetary constraints.

C

(a) Requested the High Commissioner to persist in his efforts to increase the total number of women employed in UNHCR and to enhance their advancement prospects, including to the highest level posts;

(b) Requested the High Commissioner to continue to pay particular attention to the questions of devolution of authority, staffing policies and rotation of staff, adequate geographical balance at all levels, and training in various fields, including in management of emergency situations.

D

(a) Expressed its support for the job classification exercise for officers in the Professional category and above, including the reclassification of three field posts funded under the regular budget from the D-1 to the D-2 level;

(b) Reiterated its call for the implementation of the job classification recommendations once the recommendations relating to the regular budget posts had been approved by the General Assembly.

E

(a) Considered the notes on the revolving fund for field staff housing and basic amenities (EC/SC.2/24 and EC/SC.2/28) and

- (i) Authorized the High Commissioner to increase the working capital of the fund from the Programme Reserve within the 1986 General Programmes, as and when needed, up to a ceiling of \$3 million;
- (ii) Requested the High Commissioner to report annually on its functioning through the Sub-Committee on Administrative Financial Matters.

F

(a) Took note of the accounts for the year 1984 and the Report of the United Nations Board of Auditors thereon (A/AC.96/656);

(b) Noted the report of the Advisory Committee on Administrative and Budgetary Questions in respect of the report of the United Nations Board of Auditors on the audit of the accounts of the voluntary funds administered by UNHCR for the year 1984 (A/AC.96/656/Add.1);

(c) Noted further current efforts to improve financial planning and control and stressed the importance of pursuing and strengthening those efforts, notably in the light of the report of the Board of Auditors.

XI. AMENDMENT TO THE RULES OF PROCEDURE

(Item 13 of the agenda)

218. In presenting document A/AC.96/667, the Secretary of the Executive Committee recalled that the decision of the Committee, of which the General Assembly took note in its resolution 39/140, to introduce Arabic, Chinese and Spanish as additional official languages of the Executive Committee entailed a corresponding amendment of the Committee's Rules of Procedure (A/AC.96/187/Rev.1). The Executive Committee, therefore, approved the proposed amendments as contained in the document.

Decision of the Committee

219. The Executive Committee,

Having decided at its thirty-fifth session to introduce Arabic, Chinese and Spanish as official languages of the Committee; 8/

(a) Takes note of the proposed amendments to rules 28 to 30 of section VIII of the Rules of Procedure of the Executive Committee of the High Commissioner's Programme (A/AC.96/187/Rev.1), as contained in document A/AC.96/667;

(b) Decides to amend the relevant rules as follows:

Rule 28: "English and French shall be the official and working languages of the Committee, while Arabic, Chinese and Spanish will be official languages";

Rule 29: "Any Representative may speak in a language other than an official language. When he does so, he shall himself provide for interpretation into one of the official languages";

Rule 30: "All recommendations and other formal decisions of the Committee, including in-session papers and reports, shall be made available in the working languages, while all official pre-session documents and the final report of the Committee, once adopted, shall be made available in both working and official languages";

(c) Requests the High Commissioner to issue the Rules of Procedure, duly amended, in all the official languages of the Committee.

XII. ADDITIONAL CONFERENCE RESOURCES FOR THE EXECUTIVE COMMITTEE

(Item 14 of the agenda)

220. The Secretary of the Executive Committee introduced document A/AC.96/668, explaining that in recent years the Committee had been unable to contain its annual sessions to the 10 days budgeted by the General Assembly. In the present climate of budgetary restraint, it was no longer possible for the United Nations Office at Geneva to continue to provide the additional services without the specific approval of the General Assembly. The Executive Committee was, therefore, being asked to approve a decision requesting the General Assembly to take such action.

221. One speaker raised the question whether this decision would require additional resources and, if so, how did it affect the zero growth policy. The Secretary acknowledged that additional resources were in fact required but expressed the hope that the United Nations Conference Services could provide them by rearranging its calendar; nevertheless, approval by the General Assembly was required.

Decision of the Committee

222. The Executive Committee,

Having taken note of document A/AC.96/668 entitled "Additional resources for UNHCR Executive Committee sessions";

Recognizing that since the establishment of the Sub-Committee on Administrative and Financial Matters in 1981 the Executive Committee has been unable to contain its annual session to the 10 days budgeted by the General Assembly;

Decides to request the General Assembly to allocate the necessary resources to allow the Executive Committee to conduct meetings lasting up to a total of 15 working days annually. This would include meetings as necessary of the Sub-Committee of the Whole on International Protection, the Sub-Committee on Administrative and Financial Matters, the Consultation with Non-governmental Organizations and of other intergovernmental groups whose deliberations constitute a vital contribution to the Committee's work.

XIII. AGENDA FOR THE THE THIRTY-SEVENTH SESSION

(Item 15 of the agenda)

223. The following provisional agenda was adopted by the Executive Committee for its thirty-seventh session:

DRAFT PROVISIONAL AGENDA

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda and other organizational matters.
4. General debate.
5. Action taken on decisions by the Executive Committee.
6. International protection.
7. Status of contributions and overall financial requirements for 1986 and 1987.
8. Refugee aid and development.
9. Role of UNHCR in promoting durable solutions.
10. UNHCR assistance activities.
11. Field affairs.
12. Administrative and financial matters.
13. Consideration of the provisional agenda of the thirty-eighth session of the Executive Committee.
14. Any other business.
15. Adoption of the draft report of the thirty-seventh session.

XIV. ANY OTHER BUSINESS

(Item 16 of the agenda)

224. One representative requested that the reports of the two Sub-Committees be attached to the report of the Executive Committee. In his view this would serve a two-fold purpose: it would shorten the discussions and consequently the report of the plenary session and it would reflect fully the discussions in the Sub-Committees which formed an integral part of the Executive Committee's overall deliberations. The suggestion was supported by several other delegations.

225. The Secretary of the Executive Committee pointed out that the reports of the Sub-Committees automatically became public documents once they were presented to the Executive Committee. However, since delegations had requested that these reports be incorporated nonetheless into the report of the plenary, the secretariat would take action accordingly.

226. One representative, supported by two others, suggested that in order not to engage the Committee in a lengthy and rather politicized debate, the practice followed by other United Nations bodies be adopted and the narrative portion of the report eliminated in future. His delegation proposed that, as from the thirty-seventh session, the report should contain only the Executive Committee's conclusions and recommendations, leaving statements by delegations to the summary records. Since the proposal could not be discussed during the thirty-sixth session, it was deferred to the Executive Committee's informal meeting in January 1986.

Decision of the Committee

227. The Executive Committee:

Decided to incorporate the reports of its two Sub-Committees into the final report of the present and subsequent sessions.

XV. SUMMING UP BY THE CHAIRMAN ON ITEMS 11 AND 12

228. I would now like to conclude items 11 and 12 of the agenda, that is, assistance activities and administrative and financial matters.

229. A number of subjects have been raised and discussed in considerable detail these last few days and I feel that there is no need to go over them once again at this stage. They will all be reflected in the report which the Rapporteur is busy working on. However, permit me to mention just a few which seemed to me particularly important. All of us who are in one way or another taking part in assistance to refugees have to help them to become self-sufficient and independent. With this objective in mind, UNHCR should continue not only to rationalize the mechanics of assistance but also never forget that the refugee and his or her human dignity are inseparable. Another element which I would stress is the need for constant improvement of management. This is an overall consideration which, of course, is not necessarily to be taken as a criticism of UNHCR. It is an ongoing process which should be understood and applied in a positive spirit by our colleagues in this organization; it applies, of course, both to the management of programmes as well as to administrative and personnel management.

230. Having said so, I would like to take note of another aspect of our work. The Committee has also taken note with satisfaction of the functioning of the UNHCR field offices recently established in Algiers, Bangui, Stockholm and Teheran following decisions of the Executive Committee. We have noted the need to implement durable solutions, in particular voluntary repatriation in conformity with the mandate of UNHCR and to disseminate officially all pertinent information in that respect. UNHCR field representatives have to promote and encourage these solutions in the framework of the attainment of the function of international protection to refugees, and in collaboration with the Governments concerned. I, therefore, appeal to all States to co-operate fully and entirely with UNHCR to facilitate the fulfilment of its mandate, notably by the application of Headquarters Agreements providing UNHCR representatives free access, without prior authorization, to refugee camps and settlements.

231. The time has now come to approve schedule A of document A/AC.96/657 which will be found on page 31 of the English version of the so-called "Book". This schedule summarizes the proposals requiring the formal approval of the Executive Committee. Thus, we are approving the following:

(a) The "new and revised" allocations under the 1985 General Programmes, for both operations and programme support and administration, as summarized in table III, column 12;

(b) The revised financial target for 1985, bearing in mind addendum 1 to the document, which concerns Somalia. The revised financial target for 1985 would, therefore, be \$309,050,300 (not including the \$10 million Emergency Fund);

(c) The country and area programmes and the overall allocations for 1986 General Programmes as summarized in column 13 of table III, pertaining to operations as well as to programme support and administration;

(d) The financial target of \$320,410,000 (not including the \$10 million for the Emergency Fund) for 1986 General Programmes as shown in column 13, total 1 - 6, of table III;

(e) Authorization for the High Commissioner to effect such adjustments in projects, country or area programmes and overall allocations as may be required by changes affecting the situations for which they were planned, using the reserve where necessary, and to report such adjustments to the Committee at its next session.

232. If there is no formal objection to this, I consider that it is so decided.

233. It is so decided.

Notes

1/ United Nations, Treaty Series, vol. 1001, No. 14691, p. 45.

2/ For the report of the Conference, see A/CONF.116/28.

3/ United Nations, Treaty Series, vol. 189, No. 2345, p. 137.

4/ Ibid., vol. 606, No. 8791, p. 267.

5/ A/32/144, annexes I and II.

6/ For the report on the Second International Conference on Assistance to Refugees in Africa, see A/39/402.

7/ See Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 12A (A/35/12/Add.1), para. 48.

8/ Ibid., Thirty-ninth Session, Supplement No. 12A (A/39/12/Add.1), para. 185.

Opening statement made by the United Nations High Commissioner for
Refugees to the Executive Committee of the High Commissioner's
Programme at its thirty-sixth session, on 7 October 1985

1. Mr. Chairman, first of all allow me to congratulate you most sincerely on your election to guide our destinies during this thirty-sixth session of the Executive Committee, and throughout the coming 12 months. It has already been our good fortune to benefit from your wisdom and diplomatic skill as a member of our bureau during the past year, along side of our distinguished outgoing Chairman, to whom I would like to express my deep appreciation not only for his outstanding qualities as a diplomat, but also for his warmth of heart and true dedication to the cause of refugees. I would also like to address a word of thanks to our outgoing Rapporteur, who carried out his delicate task with great tact and patience. I am convinced that our newly-elected Vice-Chairman and Rapporteur, to whom I equally extend my congratulations, will find their duties with this Executive Committee, in the humanitarian task we all share, as inspiring as their colleagues have in the past.

2. This year we commemorate the fortieth anniversary of the United Nations. One of the very first tasks of the newly created world body was to work on behalf of refugees, so we can also say that it is the fortieth anniversary of United Nations efforts to solve refugee problems. In the first five years following the end of the Second World War, a number of ad hoc and temporary bodies carried out a massive effort to solve the refugee problems the war had created, especially in Europe. Thirty-five years ago, when UNHCR was founded in December 1950, it was thought that the Office's tasks would be relatively quickly accomplished, perhaps in only three years. That was the period of the first High Commissioner's mandate, when he was elected by the General Assembly to deal with the residual refugee problems left in Europe at that time. Little did UNHCR's founders know the sum of human suffering, the racial, religious, political and social injustices which have forced so many millions of people to flee across borders and oceans in search of refuge in this second half of the twentieth century. What a sad legacy it has been. Yet at the same time, so much has been accomplished in four decades. Perhaps as many as 30 million human beings have been helped to start new lives, in peace and dignity. Their children and their children's children are normal citizens, whether it be back in their countries of origin, or in a new country of permanent settlement. When we talk about the work of the United Nations, is this not one of its most positive achievements? I believe so.

3. Yet there are times when it is indeed a depressing task. It is depressing when even one single refugee is turned back when all he or she asks is to be given asylum. It is depressing when, because of lack of funds, refugee children may be deprived of the most elementary school facilities, or farm women may have no well from which to draw water and are obliged to carry their heavy burden for many kilometres. It is depressing when innocent refugees are killed or mistreated because of some overriding raison d'état. It is the task of the High Commissioner to make the reason of the heart prevail over the reason of States. I believe that you all, here in this room and the Governments you represent, share that conviction and the will to achieve that goal, despite all the obstacles which must be overcome. A year ago I said in this very room on this same occasion that the High Commissioner had to be a professional optimist. I remain unshaken in that view, for I know that, with patience and courage, as in the past, solutions will be found.

4. I none the less believe it is safe to say that never in the past four decades has the world refugee situation been so complex, nor solutions more elusive. Through decades of experience, we have learned the ways. Yet all too often the means escape us. We have the will, but the resources needed to transform that will into reality are just not there. That is why I have chosen to make our endeavours to achieve durable solutions to refugee problems the main theme of my statement today. Of course, it goes without saying that our first and foremost task is international protection. It is the life-blood of all our work on behalf of refugees, without which any effort to find durable solutions to refugee problems would be meaningless. You have before you a note on international protection, and some of our major concerns have been discussed in the Sub-Committee of the Whole on International Protection. There is no need for me to go into detail here. I know the Executive Committee is also aware of our efforts to cater to the special needs of refugee women, and I am very pleased that they were included in the strategies adopted at the recent Nairobi Conference. We have also circulated a paper on our recent initiatives in the field of emergency management training, which calls for no further elaboration. I would, however, like to take a few minutes to inform you briefly of some major developments since our last session, without attempting to make an exhaustive survey.

5. A year ago, I spoke about our modest hopes that we could gradually increase the proportion of our funds and efforts we devote annually to durable solutions. I am obliged today to say that some of these hopes have been dashed, at least temporarily, by the dramatic crisis which has stricken many African countries, among them those which are the most affected by refugee problems. Indeed, the world had been warned as much as a year and a half ago that a food crisis of unprecedented proportions was looming in Africa. We ourselves, as early as November 1984, had launched our first African Emergency Appeal for some \$US 8 million. But no one could know that such massive numbers of people would seek relief in neighbouring countries, nor the extent to which UNHCR would be obliged to organize a vast emergency assistance operation, at the expense of its ongoing programmes, in the Central African Republic, Djibouti, Ethiopia, Somalia and the Sudan. Nor could we know that in some cases UNHCR would be forced to extend its emergency assistance to nationals for whom the refugee camps were the only available source of food and water. Not only has this African Emergency Operation stretched our capacity in terms of financial and human resources to the limits in Africa, it has had the most serious repercussions on our ability to push forward with durable solutions elsewhere in the world.

6. Governments have been kept regularly and fully informed of developments in this operation, through our monthly appeal up-dates. We are co-operating closely with the United Nations Office for Emergency Operations in Africa to ensure that donors receive coherent and co-ordinated information on our efforts as they fit into the overall picture of what is being done to come to grips with the crisis in Africa. I do not therefore intend to take up the time of the Executive Committee with more details of our appeals at this time, beyond urging donors to give further serious consideration to closing the current \$US 17 million gap between contributions and our revised 1985 African Emergency Appeal target of \$US 107 million.

7. Mr. Chairman, while on the subject of Africa, allow me to refer briefly to one or two other developments there which we have followed closely in the past months. First, a few words on recent events in Uganda. The new régime in that country is co-operating fully with UNHCR. My representative recently had useful talks with

the new head of the Government, as well as other top Government officials and there are signs that a number of outstanding issues could be resolved in time, providing that the situation in the country stabilizes. UNHCR's programme of voluntary repatriation from Zaire has resumed, and there has also been spontaneous repatriation from the Sudan and Rwanda.

8. UNHCR has participated over the past year in negotiations between Rwanda and Uganda with a view to finding a mutually acceptable solution to the problem of some 30,000 asylum-seekers who crossed from Uganda into Rwanda in 1982. While some 3,200 have been recognized as Rwandese nationals and have been reintegrated in their villages of origin, it has not so far been possible to initiate a programme of organized voluntary repatriation for the balance. There has, however, as I just said, recently been some spontaneous repatriation.

9. In Zaire, as the number of refugees from Uganda has gone steadily down due to voluntary repatriation, UNHCR's assistance is mainly concentrated on refugees from Angola and, in particular, a major new influx from Angola into the Shaba province which began late in 1984 and continued throughout the first half of 1985. They now number well over 60,000.

10. Mr. Chairman, as the distinguished members of the Executive Committee well know, the United Republic of Tanzania is one of the African countries which has had the most success in implementing durable solutions. Out of the some 180,000 refugees in the United Republic of Tanzania, the majority live in three large organized rural refugee settlements - Ulyankulu, Katumba and Mishamo. The first two no longer have needed international assistance through UNHCR for some years, and the highlight of 1985 was the handing over to the Government in July of Mishamo, in a ceremony which was attended by the Deputy High Commissioner. This means that the settlement will in principle receive no further international assistance through UNHCR. In this case, although it has taken some years, I believe the Tanzanian authorities, the implementing agency - the Lutheran World Federation, and UNHCR can be proud of the successes achieved in making durable solutions work.

11. Mr. Chairman, when we talk of obstacles to finding durable solutions, one must not forget that they are not only financial or climatic. There are millions of refugees today still in camps because of the lack of a political solution to the problems which have generated their flight. It is not for me to say what those political solutions might be. That belongs to the challenges the United Nations must face as it moves into its fifth decade. But I firmly believe that even in the absence of political settlements, many of the refugees today in camps on care and maintenance can be taken a step, even a number of steps, along the road to durable solutions through our combined efforts.

12. In this respect, I am very encouraged by the seriousness with which many Governments have taken the ideas we have put forward with regard to refugee aid and development, and I am looking forward to a further constructive debate on this subject in this session. I attach the greatest importance to pushing ahead with innovative new partnerships of the type we have started with the World Bank in Pakistan. I am very happy to report that we have encountered a positive response in the exploratory talks we have been having with the Bank and the concerned Governments on ways of initiating similar projects in Africa, particularly in the Horn of Africa and the Sudan. I sincerely hope that in other refugee host countries, and perhaps in co-operation with other development-funding institutions, we can also in due course come to similar arrangements.

13. Unfortunately, perhaps more so than in Africa, neither voluntary repatriation nor local settlement seem any closer to becoming realities in South-East Asia, in Pakistan and in parts of Central America. Despite the well-known reasons, which we fully recognize, I cannot but deplore the stagnation of many refugee situations. One used to be able to say with some pride that the refugees of five years ago no longer need our help today. That is less and less the case. I cannot forget the despair I have seen on the faces of the so-called "long-stayers" in camps in South-East Asia, some of whom I have talked to when I visited the region earlier this year. Many of the children have known no other life than that of a refugee camp. Yet in terms of sheer numbers, the total caseload in that part of the world is relatively small, and it might seem that the problem could be relatively easily solved.

14. Fortunately, from time to time one receives good news. I was very heartened when, just 10 days ago, Her Majesty's Government announced that the United Kingdom of Great Britain and Northern Ireland would make an important new effort to help relieve the burden of Hong Kong, which still has, proportionately, one of the biggest caseloads of refugees from Indo-China. It is a gesture which I trust will serve as a stimulus to other resettlement countries. Those now to be admitted to the United Kingdom will certainly include some of the long-stayers. And the new "White Paper" happily leaves the door open to further numbers being admitted later, while Hong Kong itself has pledged to do its part in absorbing a certain number of refugees of Chinese ethnic origin. Following my visit to Hong Kong last spring, I went to London to urge the British authorities to do what they could in implementing the British Parliament's recommendations, and I was very glad to learn of the final outcome.

15. In this connection, allow me also to express my satisfaction that the other major resettlement countries are maintaining or only marginally reducing their quotas for refugees from South-East Asia. This is very necessary if we are to keep pace with new arrivals in the region, which unfortunately continue. I trust I will be forgiven if I say that this is the very minimum effort that must be made, because resettlement remains, at least for the foreseeable future, the only viable alternative to care and maintenance in camps for the majority of the refugees in that region.

16. Another source of encouragement for me is the continuing steady pace of the Orderly Departure Programme (ODP) from Viet Nam. It has again this year been our pleasure to welcome an important Vietnamese delegation to Geneva just before the opening of this session for talks with countries receiving people leaving Viet Nam under the programme. I trust that the results will not only be to maintain the present rate of departures of more than 2,000 a month, but perhaps an increase in the coming year. If all goes well, a milestone in ODP will be reached in December 1985, as departures should pass the 100,000 mark since its inception in 1979.

17. Also very encouraging has been the increasing efficiency with which the Thai authorities are implementing the Anti-Piracy Arrangement. I am convinced that a number of lives have been saved through their efforts, and the deterrent effect is definitely beginning to show up in the statistics. I believe this can be a source of satisfaction both for the Thai authorities and the donors who have steadfastly supported their efforts to combat this evil.

18. The numbers of rescues of refugees in distress on the high seas are also growing. The appeals of UNHCR and the International Maritime Organization (IMO)

have not fallen on deaf ears, and in the best traditions of the sea and in the spirit of last year's Nansen Medal award, ship-masters and crewmen - often at their cost, inconvenience, and sometimes personal risk - are going out of their way to save lives. I do hope that this humanitarian example will be followed by an ever-increasing number of seamen. I should also like to thank the Governments who are participating in the Rescue at Sea Resettlement Offices (RASRO) scheme, which, I am happy to report, is functioning smoothly to the benefit of those rescued at sea.

19. Mr. Chairman, to remain for a moment in South-East Asia, I am still very concerned about the future of the refugees from Kampuchea, whether they be in Thailand or in the Socialist Republic of Viet Nam. They, too, have been in camps for years, and prospects for a durable solution seem very remote except for the lucky few who are selected for resettlement. I would appeal to all concerned to review their possibilities in this respect so that they too can see some prospects for a more meaningful future opening up for them.

20. Mr. Chairman, allow me now to turn to the situation in Central America and Mexico. In Mexico, in particular, as well as to a certain extent in Costa Rica, we are seeing good results in our joint efforts with the Governments to push forward with durable solutions. In Honduras, on the other hand, particularly as regards the refugees from El Salvador, a solution still eludes us and the situation of the refugees remains precarious. You are all aware of the recent tragic events at Colomoncagua, during which two refugees were killed - a fact that we must all deplore. In the light of such an incident, we have to underline the need for a greater understanding of the purely humanitarian, non-political role of UNHCR, both among host Governments and the voluntary agencies. We are doing everything in our power to improve this understanding in a spirit of dialogue. The Honduran authorities have informed my Representative of their intention to relocate the refugees away from the border area. Such a move would be fully compatible with UNHCR's often-stated policy of locating refugee camps, whenever possible, at a reasonable distance away from borders. We have offered to assist the Government in preparing for and carrying out the move in a carefully planned way that will bear in mind the welfare and aspirations of the refugees, who are our first concern. I should add, however, that here again, we are faced with a situation where a truly durable solution depends on political solutions which are beyond our grasp.

21. This also applies to other refugee groups both in Honduras and in other nearby countries. I have followed with keen interest the efforts in this regard in the Contadora Group. I am gratified that, within the Contadora framework, very serious attention has been paid to refugee problems. This was notably the case at the Cartagena Colloquium, which it was my honour to open late last year together with the President of Colombia, where all countries in the region participated in drawing up the Cartagena Declaration, recognizing their humanitarian responsibilities towards refugees, the importance of accession to the international instruments, and the work of our Office. I firmly believe that if the spirit of Cartagena can be translated into practical policies, incidents such as the one I have alluded to a moment ago can be avoided in the future, and solutions to the most difficult refugee problems in this part of the world can be found.

22. In the case of Mexico, the authorities have successfully implemented a programme supported by UNHCR to relocate thousands of Guatemalan refugees away from the border province of Chiapas to the provinces of Campeche and Quintana Roo in the Yucatan Peninsula. It was my pleasure to be invited early this year to Mexico to

see these projects for myself, and I was very impressed with the way the refugees are carving new agricultural settlements out of virgin bush. Approximately 45 per cent of the 45,000 Guatemalan refugees assisted by UNHCR are now in the new settlements; so far, the others have not agreed to move away from the border area in the state of Chiapas. However, I understand the Mexican authorities are continuing their efforts to persuade the refugees to move voluntarily to the new sites.

23. In Costa Rica, there has been a significant increase in the numbers of Nicaraguan refugees this year. The UNHCR programme seeks to bring about local integration of the refugees both in rural and urban areas. The development of rural refugee settlements, urgently needed to release pressures on overcrowded reception centres and provide a livelihood for the refugees, has shown little progress due to difficulties in finding suitable sites. In the meantime, the largest share of UNHCR's budget in Costa Rica is devoted to care and maintenance of refugees in the reception centres and in urban areas. Here again, I very much hope some further progress can be made towards a durable solution.

24. In other parts of Latin America, the situation is more promising, although here as elsewhere UNHCR's critical financial situation makes it difficult for us to live up to the expectations of all. Large numbers of refugees have returned to Bolivia, Argentina and Uruguay with the Office's assistance since those countries have returned to democratic forms of government. As has been the case in the past for both Bolivia and Argentina, the Office has been approached by the new Government of Uruguay for assistance towards the reintegration of the most needy returnees. It has not, however, been possible for us to go beyond our normal practice of covering travel costs for returnees, although we have been able to channel a \$25,000 contribution from Canada to the Uruguayan Government's programme. I would be most grateful if potential donors, following this example, could see their way clear to contributing, perhaps bilaterally, to this effort, which falls outside the normal parameters of our General Programmes.

25. Mr. Chairman, this brings me to the one problem or issue which, more than any other, throws a shadow over our deliberations here, and that is our critical financial situation. It is still not certain that UNHCR will be able to fund the 1985 General Programmes even at the level of the reduced requirement which is now before you.

26. The crisis is not a result of a lack of goodwill or sympathy towards refugees and their needs. The needs of refugees are considerable - in Africa, Asia and Latin America - and I realize that the demands on donors this year - for refugee and other urgent humanitarian needs - have been massive. Let me stress that we are most grateful for the strong support we have received so far.

27. However, it is of absolute primary importance that UNHCR be given the resources to do the job which is expected - indeed, demanded - of us. In that sense, the General Programmes are our first and basic priority - to give to refugees, who have little or no other source of material help, the assistance they need to overcome their emergency problems and to find decent, lasting solutions so that they can live peacefully and productively once again. UNHCR is often called upon to undertake additional or Special Programmes - a good example is our African Emergency programmes - but, in essential terms, the General Programmes must remain our first responsibility. It is for that reason that the critical funding situation we face for the General Programmes for both the remainder of the 1985 programmes and for 1986 is so serious.

28. The revised 1985 General Programmes requirement proposed to you amounts to some \$319 million. As of today, counting all sources of funds since January 1985, we have some \$262 million against that requirement. So we need a further \$57 million.

29. Since, in all realism, it cannot be taken for granted that we shall receive that amount of contributions, I have - already some time ago - given instructions to staff in the field and headquarters to draw up the necessary plans to hold up implementation of projects under the approved 1985 General Programmes, especially those elements of assistance which are above the level of simple survival of refugees. We must be prepared to do this in the light of the financial situation. The practical implications could be that refugee settlement or durable solutions will be stopped. Housing and schools for refugees will not be built. Health and basic education services and equipment will have to be reduced to a minimum. It goes without saying also that the administrative costs of UNHCR, both in headquarters and the field, are subject to the most severe restrictions.

30. In such a situation, while UNHCR pledges itself to pursue economy with even greater determination, I must appeal directly and most strongly to donors to make or indicate additional contributions to the 1985 General Programmes as soon as possible.

31. The need to cover the 1986 General Programmes requirement of \$330 million is equally vital. I therefore also urge Governments to announce large contributions to UNHCR at the Pledging Conference in New York on 15 November - and to pay those contributions at the earliest possible date since, without cash resources, UNHCR will simply not be able to begin the 1986 General Programmes in January.

32. I know that the Sub-Committee on Administrative and Financial Matters has considered this problem last week and I look forward to hearing their conclusions and advice on how we can solve the problem together.

33. In passing, let me note with some pride the spontaneous gesture made by the staff of UNHCR in donating one day's salary to the General Programmes as a demonstration of their acute concern for refugee assistance.

34. Mr. Chairman, as this is the last Executive Committee in which I shall participate, allow me to conclude by highlighting some main points from the eight years during which I have had the privilege to serve as your High Commissioner, and by making some observations of a more private character.

35. On 20 January 1978, I met with our Executive Committee for the first time. That is now almost eight years ago. But quite a few things have changed in those eight years. UNHCR has changed - not in essence, I hope, but in appearances. That day in January 1978 we talked about finances - as always - and the General Programmes target for the year 1978 was \$US 35.2 million. It is different today.

36. UNHCR has always been subject to changes. Or you might say developing. It is by nature not static, but dynamic. When the High Commissioner's Office was established it was for three years. It was thought to be short-lived. Today we see it differently.

37. UNHCR was meant to take care of European refugees, mainly refugees from before 1950. That has changed completely.

38. In the beginning, UNHCR was not allowed to ask for contributions or to spend money for assistance to refugees. Four years later, that had to be changed, because the needs were there. When the Executive Committee was created, it was exactly with the task of approving the High Commissioner's target and thus authorizing him to spend money for the General Programmes.

39. In the beginning, it was said again and again that UNHCR should not be operational. In quite a few cases we have had to do the job all the same.

40. It was also said that this organization should not do developmental work. It has nevertheless become necessary to acknowledge the justice of combining refugee aid and development, as so many refugees have to build their lives in developing countries surrounded by an indigenous population living under the same conditions and having the same needs as the refugees.

41. So many things have changed. UNHCR has grown and has had to adapt itself to new conditions.

42. The Executive Committee has changed as well. We have - already in 1978 - introduced two annual informal meetings, normally in January and June, in order not to lose contact with our member States throughout the year. We have increased the flow of information, perhaps too much, to keep the Executive Committee constantly up to date. In 1976, a Sub-Committee of the Whole on International Protection was created and, in 1981, a Sub-Committee of the Whole on Administrative and Financial Matters was established. The Executive Committee itself, originally comprising 25 members, had during the years grown to 31 members, and in 1979 the Economic and Social Council decided to add nine new members, followed by the admission of the United Nations Council for Namibia, which brought the number to the present 41. Indeed, the Executive Committee has changed during the years. Happily one thing has not changed: the steadfast humanitarian commitment of the members to the cause of refugees.

43. The history of UNHCR in the past eight years has been marked by many critical, exciting, difficult, exacting, but also encouraging experiences. Let me - without any attempt to be exhaustive - mention:

(a) The repatriation of almost 200,000 refugees from Bangladesh to Burma in 1978-1979;

(b) The December 1978 Consultative Meeting on Refugees and Displaced Persons in South-East Asia (forerunner to the Conference called by the Secretary-General of the United Nations in July 1979);

(c) The Arusha Conference on the Situation of Refugees in Africa in May 1979;

(d) The same year Viet Nam and UNHCR signed a Letter of Understanding on an Orderly Departure Programme. It started slowly. Today the rate of departures is more than 2,000 persons a month;

(e) The same year saw an influx of some 270,000 Vietnamese refugees into China, where the majority of them have begun a new life;

(f) The years 1978-1979 also saw the beginnings of the influx of refugees into Pakistan. Today the Government counts 2.6 million;

(g) In 1980, Zimbabwe became independent, and 250,000 refugees were able to repatriate;

(h) In these years the refugee problems in the Horn of Africa came into focus;

(i) Refugees numbering more than 150,000 from Chad arrived in neighbouring countries, especially Cameroon, but were repatriated in the course of 1981 and 1982;

(j) In April 1981, the first International Conference for Assistance to Refugees in Africa (ICARA I) met;

(k) The refugee situation in Central America grew increasingly serious as from 1981;

(l) In December 1981, UNHCR was awarded the Nobel Peace Prize;

(m) In 1982, tens of thousands of refugees and thousands of heads of cattle entered Rwanda from Uganda;

(n) In 1983, the numbers of refugees resettled from South-East Asia passed the 1 million mark;

(o) In 1984, the Second International Conference for Assistance to Refugees in Africa (ICARA II) was called;

(p) Asylum-seekers from Irian Jaya came to Papua New Guinea;

(q) A severe drought occurred in many African countries, affecting the work of UNHCR, especially in the Central African Republic, Djibouti, Ethiopia, Somalia and the Sudan;

(r) Since 1978, 26 countries acceded to either the 1951 United Nations Convention on the Status of Refugees or the 1967 Protocol (or both), bringing the total of States parties to these instruments to 97. These include countries - like Egypt, Japan, China - in regions where the Convention had never before penetrated, thus giving it a far more universal character.

44. Indeed the work of UNHCR has grown world-wide. You find refugees in all the continents, frequently off the beaten track. I have seen them with my own eyes. I can see with my mind's eye the many faces - African, Afghan, Vietnamese, Central American - many of them with that look of despondency or despair you see when people have been searching the horizon for a long time for a possibility of beginning a new life in safety and dignity. Yet I have not only seen suffering and distress, but also situations where people were helped so that they might begin to see a future for themselves and for their children.

45. During this span of years, the organizational structure of the Office and the management were changed and improved:

(a) Policy formulation was laid in the hands of the directors under the authority of the High Commissioner and his Deputy;

(b) All Professional posts in the headquarters and in the field were classified. This overall classification exercise was the first in UNHCR's history;

- (c) The Programme Management System was improved;
- (d) The Specialist Support Unit was strengthened;
- (e) The Emergency Unit was established in 1980;
- (f) An Electronic Data Processing Unit was created;
- (g) The conditions for our staff in the field were improved, and a Director for Field Affairs appointed.

46. In recent years, UNHCR has established an office or a presence in the capitals of half a dozen South-East Asian countries, as well as in Zimbabwe, China, Mexico, Iran (Islamic Republic of), Algeria, and Sweden (for the five Nordic countries).

47. These have been eight extremely busy and exciting years. And now after almost eight years my term is coming to an end. I want to say, and I want to say it here to the High Commissioner's Executive Committee, that I am deeply grateful for having had the opportunity to participate in this work. It is indeed a demanding, but also a rewarding job. I deem it a privilege to work for the refugees.

48. It is a privilege, because it is non-political work. Already in the Statute, which dates back to December 1950, it is clearly stated that "the work of the High Commissioner shall be of an entirely non-political character". The non-political character of the work is to my opinion the cornerstone for the house we try to build. It was never forgotten, and I thank all the members of the Executive Committee that they always have seen this "non-political character" as a guiding star for all decisions. Here the object is not to obtain political gains, but to defend human rights. Do not think that I hold the political work in contempt. I have the greatest respect for the political efforts made around the world and in the United Nations. They are the basis and the presupposition for our humanitarian work. But it is important, in fact crucial to keep the work for the refugees humanitarian. If we take sides and our work is coloured by political sympathies or antipathies, the whole activity will immediately be paralysed.

49. "Entirely non-political", that means that our work is purely humanitarian work. It is an effort to save human beings, individuals, men, women, children, and defend their right to live in freedom and dignity and to enjoy human rights. It is a privilege to work for the individual. We do not despise statistics, we use them; we do not despise economic, technical, legal means, we cannot do anything without them, but fundamentally the goal is not any one of those things in itself, it is to protect and assist the individual.

50. It is a privilege to be engaged in an international effort where you can see manifest results. Much of the multilateral work is frustrating, is marking time, no matter how necessary it is. International work for refugees is privileged by having results. Millions of fellow human beings have been helped, their lives have even been saved by the work of Governments, by the work of the non-governmental organizations and by the work of UNHCR during the years.

51. It is a privilege to have sensed the spirit of co-operation which has always prevailed in the United Nations organizations and in the voluntary agencies, when we have worked together for the refugees in the world.

52. It is a privilege to work with the staff in UNHCR. It seems that this organization attracts people who are guided by idealism. I know them so well that I know that they are not angels or superhuman, but I also know that many of our staff very often forget their own convenience or ambitions, even sometimes their health or their life when it comes to doing something extra for the refugees who depend on UNHCR.

53. Let me finally be allowed to say that it has been a privilege to work with the Executive Committee. I think this United Nations Committee is different from other United Nations bodies. I have experienced how warmly interested you are in the welfare of refugees, I have felt your unfailing support. It has been clear to me that your work in the Executive Committee was not only one cause among others, but a cause which appealed to the heart, and that is why the work was done with the heart. I do not know how often that can be said of an international committee.

54. That is why, Mr. Chairman, my last word in my last introductory speech to the Executive Committee must be a warm word of thanks.

Report of the Sub-Committee of the Whole on International Protection
on the work of its tenth session*

1. The Sub-Committee of the Whole on International Protection met on 30 September and on 1, and 4 October 1985 prior to the opening of the thirty-sixth session of the Executive Committee, under the chairmanship of Mr. F. Mebazaa (Tunisia). The following agenda was adopted:

1. Refugee women and international protection (EC/SCP/39);
2. Military attacks on refugee camps and settlements in southern Africa and elsewhere (EC/SCP/38);
3. Problems relating to the rescue of asylum-seekers in distress at sea (EC/SCP/42);
4. Voluntary repatriation (EC/SCP/41);
5. Irregular movements of asylum-seekers and refugees (EC/SCP/40);
6. Any other business;
7. Adoption of the report to the Executive Committee.

2. In an introductory statement, the High Commissioner observed that since its establishment 10 years ago, the Sub-Committee had dealt with a wide range of problems concerning the protection of refugees. Through its conclusions adopted on a variety of subjects, which were subsequently endorsed by the Executive Committee, the Sub-Committee had played a vital role in the elaboration of international standards for the protection of refugees.

3. At its present meeting, the Sub-Committee would be considering several important issues. One of these was the question of the so-called irregular movements of asylum-seekers and refugees which was causing increasing difficulties for Governments and UNHCR in the international protection field. It was very much to be hoped that in the spirit of international co-operation and burden-sharing the Sub-Committee would be able to arrive at some practical conclusions on this matter. These conclusions should not only deal with the problem where it manifested itself but should also seek to remove or mitigate the causes which impelled refugees and asylum-seekers to resort to irregular movements.

4. As regards military or armed attacks against refugee camps and settlements in southern Africa and elsewhere, the High Commissioner recalled that this issue had been debated for several years by the Sub-Committee and he reiterated his hope that it would now be possible to identify a set of conclusions reflecting the concerns of the international community on this grave subject. For his part, the High

* Previously issued under the symbol A/AC.96/671.

Commissioner declared that he would not hesitate to continue to condemn such attacks when they affected the lives of refugees of his concern.

5. Another aspect of physical safety related to the subject of rescue of asylum-seekers in distress at sea. The High Commissioner observed that a variety of measures had been undertaken by his Office in close co-operation with States concerned, including the implementation since May 1985 of the Rescue at Sea Resettlement Offers (RASRO) scheme and he expressed his gratitude to those States which, through their valuable support, had made it possible for this scheme to be launched by UNHCR.

6. Voluntary repatriation, wherever feasible, was, of course, the most desirable solution to any refugee problem. Over the past several years, voluntary repatriation had taken on a particular importance in so far as it represents the only reasonable durable solution in various refugee situations, notably those involving a large-scale influx of refugees. In an effort to explore new avenues and approaches for achieving voluntary repatriation, this subject had been examined in depth by UNHCR and by a representative group of experts in the field from all parts of the world at a meeting recently held in co-operation with the International Institute of Humanitarian Law in San Remo, Italy. A report containing the conclusions of this meeting had been submitted for the consideration of the Sub-Committee. The High Commissioner stated that he attached particular importance to the issue of voluntary repatriation, and hoped that it would be possible to formulate a set of conclusions on the subject to assist his Office in pursuing this most desirable of all durable solutions.

7. Finally, while in most circumstances, male and female refugees experienced the same difficulties and problems with respect to their protection, there were, nevertheless, also situations in which refugee women faced special protection problems, some of which were described in a note on the subject of refugee women and international protection which had also been submitted to the Sub-Committee. The High Commissioner hoped that a set of conclusions could be drawn up by the Sub-Committee which would further the work of UNHCR in favour of strengthening the protection of refugee women.

Refugee women and international protection (item 1 of the agenda)

8. Introducing this subject, the Director of International Protection stated that refugee women and young girls currently constituted most of the world's refugee population and an understanding of their special problems and their social condition was necessary to enable the international community to provide them with equal and adequate protection. Although refugee men and women often found themselves in similar difficult situations, refugee women were frequently confronted with particular hazards due to the simple fact that they were women. In many instances, the physical safety and integrity of refugee women were threatened or violated.

9. UNHCR had developed programmes in response to the special needs of refugee women, including income-generating and self-sufficiency projects. The Office had also developed projects for securing better protection for refugee women and providing counselling for victims of rape and other violence. More action was, however, necessary. With respect to the violation of the physical integrity and safety of women, measures should be taken to support and strengthen UNHCR presence in border areas and on flight routes. Concerning refugee women at risk of being

mistreated in countries of asylum, Governments were urged to examine the situation in consultation with UNHCR in order to determine what specific remedial measures could be taken. Here again, it would be appropriate to ensure a UNHCR presence in areas where refugee women were exposed to such dangers. Governments were urged to consider interpreting the term "particular social group", in the refugee definition in the 1951 United Nations Convention regarding the Status of Refugees, in such a manner as it would encompass women who face harsh and inhuman treatment because they have transgressed the social mores of their society.

10. In the ensuing discussions, all representatives expressed their appreciation to the High Commissioner for his initiative in placing this important subject before the Sub-Committee. A number of representatives also paid tribute to the High Commissioner for having organized the Round Table on Refugee Women in April 1985. A number of speakers stated that in their respective countries refugee women received the same treatment as refugee men in accordance with national legislation and every effort was made to ensure that refugee women were adequately protected. Several speakers recalled that their Governments had made specific provisions in their resettlement programmes for refugee women who were exposed to special difficulties.

11. All speakers, however, recognized that refugee women were in a particularly vulnerable situation. It was noted that for a woman, the fact of becoming a refugee often involved particular hardship because of a breakdown of the family unit. The special difficulties with which refugee women are faced in seeking to reconstitute the family unit was mentioned by one speaker. One speaker drew attention to the fact that in certain refugee situations, refugee women, in order to provide for themselves and their children, were forced to undertake undignified and degrading work and were sometimes exposed to sexual exploitation.

12. Several speakers stressed that urgent action was necessary to ensure that the physical integrity and safety of refugee women was safeguarded and that refugee women received equal treatment. One representative considered that the objectives to be pursued should not merely be anti-discriminatory but that a positive and affirmative approach was necessary to meet refugee women's needs in the protection field. Several representatives pointed out that the standards defined in the international refugee instruments were general and applied equally to refugee women and refugee men and did not, therefore, take account of the special protection problems with which refugee women were confronted. One representative suggested that a new international instrument be drafted to deal specifically with refugee women.

13. Various views were expressed regarding the most appropriate means of ensuring that refugee women received adequate protection. Many representatives were of the opinion that specific projects should be identified and implemented, and that women refugees should be actively involved in both processes. Such projects should include the reinforcement of UNHCR presence along border areas and in camps. The anti-piracy programme was acknowledged as beneficial to women refugees and speakers urged that it be continued, improved, and given wide support. Several representatives, while fully endorsing UNHCR efforts to improve the protection of refugee women, stressed that this was the primary responsibility of Governments, and in particular Governments of host countries, which should elaborate and implement appropriate programmes to protect refugee women. UNHCR was requested to assist in this process and to bring forcefully to the attention of Governments all instances of violation of refugee women's rights. Some representatives believed

that rather than placing the emphasis on specific programmes for the benefit of refugee women, it would be more appropriate to take a "global approach" to the problem and strengthen overall protection and assistance programmes for refugees. This, it was argued, could go far in attenuating the problems of refugee women.

14. Some speakers underlined the need to develop projects to alleviate the special burdens of refugee women, in particular to provide them with the necessary means to defend their legitimate interest with respect to both protection and assistance. Some representatives expressed also the view that programmes should be developed which would focus on the socio-economic status of women, and on their important role in the development process and should also take account of the special needs of children. In this regard, UNHCR and States were called upon to develop appropriate educational and employment opportunities for refugee women, with particular attention being paid to refugee women who were single heads of family. While one representative considered that the Sub-Committee, when examining this item, should distinguish between protection and assistance issues, another representative expressed the view that this distinction was often difficult to make and that many assistance projects did, in fact, offer protection to refugee women. In this regard, Governments were called upon to keep the situation of refugee women in mind while designing projects in follow-up of the Second International Conference on Assistance to Refugees in Africa.

15. The representatives of a number of countries gave examples of specific action, other than support for UNHCR programmes, which they had taken in favour of refugee women. In one country, a Migrant Women Co-ordinator had been appointed to scrutinize the needs of migrant and refugee women upon arrival. In another country, a study on the position of refugee women in that country who had previously been victims of sexual violence had been undertaken and submitted to Parliament.

16. There was widespread agreement on the need for further statistical and sociological data in order to be able to analyse the needs of refugee women and to identify and implement appropriate mechanisms to ensure their effective protection. One representative considered that anthropological studies would also be required. A number of representatives strongly urged, however, that the collation of such data should not delay the implementation of specific protection. It was stressed that present and future action in favour of refugee women should be taken at both the national and international levels and that, concerning the latter, programmes elaborated by UNHCR should be actively supported by Governments.

17. A number of representatives requested the High Commissioner to report regularly to members of the Executive Committee on the situation of refugee women and on specific action taken and proposed to improve the international protection they received. One representative suggested that a "focal point" for programmes for refugee women be established within UNHCR and that the High Commissioner issue an overall policy statement on the matter. The Director of International Protection informed the meeting that there was a focal point for refugee women within UNHCR and he expected that the activities of this focal point would be increased. As requested, UNHCR would report regularly on the situation of refugee women in regard to international protection.

18. The question as to whether women who faced harsh or inhuman treatment because of the fact that they were considered to have transgressed the social mores of the society in which they lived should be considered as refugees was also discussed.

Reference was made by a number of speakers to the resolution on the application of the 1951 Refugee Convention adopted by the European Parliament on 13 April 1984, which considered that women in this situation could be regarded as belonging to a "particular social group" within the meaning of the refugee definition and called upon States to apply the 1951 Convention and the 1967 Protocol in this sense. Several representatives were of the opinion that such an approach involved an unduly wide interpretation of the refugee definition, while others believed that the concept of "transgressing social mores" was difficult to apply as it involved a delicate value judgement. A number of representatives felt that the matter should be the subject of further study. Other representatives stated that the interpretation in the resolution of the European Parliament was already being applied in their respective countries. The view was also expressed by other speakers that the interpretation given in the resolution of the European Parliament was a permissible one and that the matter should be left to the sovereign decision of individual States. Some speakers noted that in their countries even if women in this situation were not formally recognized as refugees, they, nevertheless, were permitted to remain on humanitarian grounds with an appropriate legal status.

19. At the close of the discussions, the Sub-Committee recommended that the Executive Committee should adopt the following conclusions on refugee women and international protection:

The Executive Committee:

- (a) Welcomed the initiative of the Office in organizing the Round Table on Refugee Women at Geneva in April 1985;
- (b) Welcomed further the recommendations regarding the situation of refugee and displaced women adopted by the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi in July 1985;
- (c) Noted that refugee women and girls constitute the majority of the world refugee population and that many of them are exposed to special problems in the international protection field;
- (d) Recognized that these problems result from their vulnerable situation which frequently exposes them to physical violence, sexual abuse, and discrimination;
- (e) Stressed the need for such problems to receive the urgent attention of Governments and of UNHCR and for all appropriate measures to be taken to guarantee that refugee women and girls are protected from violence or threats to their physical safety or exposure to sexual abuse or harassment;
- (f) Noted with satisfaction the measures already undertaken by UNHCR to address the protection problems of refugee women and to ensure that they are adequately protected;
- (g) Called upon States to continue to support UNHCR programmes established with a view to securing protection for refugee women, and UNHCR assistance programmes for refugee women, especially those aimed at helping refugee women become self-sufficient through educational and income-generating projects;

(h) Recommended that States, individually, jointly and in co-operation with UNHCR, redefine and reorient existing programmes and where necessary establish new programmes to meet the specific problems of refugee women, in particular to ensure the safeguard of their physical integrity and safety, and their equality of treatment. Women refugees should participate in the formulation and implementation of such programmes;

(i) Stressed the importance of a more detailed knowledge and understanding of the special needs and problems of refugee women in the international protection field and of gathering statistical, sociological and other data concerning refugee women and girls in order to identify and implement appropriate mechanisms to ensure their effective protection;

(j) Requested the High Commissioner to report regularly to members of the Executive Committee on the needs of refugee women, and on existing and proposed programmes for their benefit;

(k) Recognized that States, in the exercise of their sovereignty, are free to adopt the interpretation that women asylum-seekers who face harsh or inhuman treatment due to their having transgressed the social mores of the society in which they live may be considered as a "particular social group" within the meaning of article 1 A, paragraph 2, of the 1951 United Nations Convention relating to the Status of Refugees.

Military attacks on refugee camps and settlements in southern Africa and elsewhere
(item 2 of the agenda)

20. The item was introduced by the Permanent Representative of Switzerland to the United Nations Office at Geneva, Ambassador Anton Hegner, who had headed the working group established by the Chairman of the Executive Committee at its thirty-fifth session to explore the possibilities of reaching a consensus on this subject. Mr. Hegner presented a set of draft conclusions which had been the subject of discussions within the working group (EC/SCP (1985) CRP.1).

21. In presenting his text, Mr Hegner recalled that during the thirty-fifth session of the Executive Committee all speakers had insisted on the need to clarify the respective responsibilities of host countries, countries of origin and of refugees themselves in avoiding military attacks. Since that session a new and important element had been the adoption of General Assembly resolution 39/140, in which the Assembly condemned all violations of the rights and safety of refugees and asylum-seekers, in particular those perpetrated through military or armed attacks on refugee camps and settlements. The resolution was referred to in paragraph 1 of the draft conclusions.

22. He also pointed out that the new text contained a number of paragraphs on which there had seemed to be a consensus during the Executive Committee's thirty-fifth session and that, even though certainly not satisfactory to all delegations on every point, the present text once adopted could constitute an important step forward in favour of refugee protection.

23. In the ensuing discussions, many speakers paid tribute to Mr. Hegner's efforts to draw up a new set of draft conclusions, and a number of representatives expressed the belief that it might now be possible to achieve a consensus. Two speakers expressed their full support for the text in its present form.

24. Several speakers, however, voiced concern that the text did not contain a clear condemnation of military attacks on refugee camps and settlements. One speaker considered that this was necessary since such attacks were contrary to international law, in so far as they (a) violated the physical safety of refugees and their right to protection and (b) constituted an act of aggression against the sovereignty of the host country. Several speakers also believed that this issue was not adequately met by the reference to General Assembly resolution 39/140. The view was also expressed that the wording of the resolution was inappropriate in so far as it could be taken to imply that military or armed attacks on refugee camps and settlements could, under certain circumstances, be justified. The reference to "such violations" in paragraph 2 of the draft conclusions was, therefore, unsatisfactory.

25. The requirements in paragraph 5 (b) (regarding the civilian and humanitarian use of refugee camps) and in paragraph 5 (d) (regarding the need to ensure their civilian and humanitarian character) were open to similar objections. One speaker, nevertheless, felt that the present wording of paragraph 5 (d) should be maintained. Another speaker stressed the need to include a provision underlining the responsibility of asylum countries to ensure that the civilian and humanitarian character of such camps was maintained and that UNHCR be given access to them. Several speakers considered that the draft conclusions imposed too many restrictions and responsibilities on asylum countries without sufficiently defining the responsibilities of the perpetrators of such attacks. One speaker felt that these responsibilities should also be reflected in operative paragraph 5 of the draft conclusions. One representative mentioned the failure of the General Assembly resolution to address the problem of military attacks by South African forces which he believed should also be reflected in the conclusions.

26. At the close of the debate, the Chairman noted that there were still divergences of view and believed that further discussions within the working group were necessary to arrive at a consensus. In response to the Chairman's request, Mr. Hegner agreed to continue his consultations before and, if necessary, during the thirty-sixth session of the Executive Committee. At his suggestion, the working group was enlarged so as to enable all representatives to submit their proposals before the meeting of the Executive Committee.

Problems relating to the rescue of asylum-seekers in distress at sea (item 3 of the agenda)

27. Introducing this item, the Director of International Protection noted with satisfaction that the rate of rescue of Indochinese asylum-seekers in distress at sea had significantly increased over the past year. The proportion of rescues to arrivals for the period 1 September 1983 to 31 August 1984 was only 9 per cent. The rescue rate had, however, increased to 14 per cent for the period 1 September 1984 to 31 August 1985. From 1 May 1985, the beginning of the Rescue at Sea Resettlement Offers (RASRO) scheme, to 31 August 1985, the rescue rate was 20.5 per cent (the highest recorded rescue rate was 21.8 per cent in 1980). While the rescue rate had thus increased significantly, the number of total boat arrivals was 3 per cent less than for the same period last year. The rescue at sea programme had, therefore, not acted as a "pull factor".

28. That welcome reversal of the trend of declining rescues witnessed in the previous two years was attributable to a number of factors, including the commencement of the RASRO scheme. The scheme was the core of new efforts to

promote rescue of asylum-seekers in distress at sea. Other contributing factors were the continued effective operation of the DISERO scheme, the reinforcement of the Rescue at Sea Reimbursement Project, the issue to shipmasters of a revised version of the booklet entitled "Guidelines for the Disembarkation of Refugees", and personal messages from the High Commissioner in the forum of "CQ" radio messages and commendatory cables and awards to shipmasters.

29. Despite the significant increase in the rescue rate, many ships continued to pass by refugees in distress at sea and humanitarian efforts to maintain and increase the rescue rate must, therefore, continue. As a further means of encouraging rescue at sea, Governments of countries with maritime interests in the South China Sea should remind their shipowners and shipmasters of their duty to rescue all persons in distress at sea. Finally, in an effort to distribute equitably the burden of resettlement of rescued asylum-seekers, it was hoped that those Governments that were still examining the question of their joining the RASRO scheme would reach a favourable decision in the near future.

30. In concluding his statement the Director of International Protection expressed the gratitude of the Office to those Governments that through their contributions to the Disembarkation Resettlement Offers (DISERO) and RASRO schemes, had enabled UNHCR further to facilitate the rescue of asylum-seekers in distress at sea. The authorities of all first-asylum countries in East and South-East Asia were also to be thanked for having facilitated the rapid disembarkation of refugees. Gratitude was also due to government agencies, shipmasters, shipowners, shipowner associations and other maritime organizations and the Maritime Protection and Indemnity Clubs for their co-operation.

31. In the ensuing discussion, all speakers expressed satisfaction at the significant increase in the rescue rate in 1985, while at the same time voicing concern that there were still cases in which ships disregarded asylum-seekers in distress at sea. The range of measures taken by UNHCR to promote rescue at sea were commended by all speakers who took part in the debate. There was wide agreement that the main reason for the increase in the rescue rate were actions taken over the past years by UNHCR. In particular, the RASRO and DISERO schemes were considered to be both effective and welcome examples of international solidarity and burden-sharing. A number of representatives appealed to those countries not yet participating in RASRO to join as soon as possible. The representatives of Belgium and the Federal Republic of Germany indicated that their countries were actively considering participating in the scheme. One representative recalled that in promoting rescue at sea the RASRO and DISERO schemes helped to protect asylum-seekers from the dangers of the elements and from piracy attacks. In this respect, the RASRO and DISERO schemes were complimentary to the Anti-Piracy Arrangement.

32. A number of speakers expressed the hope that the RASRO scheme would continue after the one-year "trial period". Divergent views were expressed as to whether the RASRO and DISERO schemes should be merged. One representative stated that his Government would not be in favour of such a merger. Another representative believed that UNHCR should report on this matter and on the possible fusion of the RASRO and DISERO schemes with overall arrangements for the resettlement of Vietnamese refugees at the end of the trial period. In regard to the extension of the RASRO scheme, several speakers asked UNHCR to provide details as to what future arrangements were envisaged, including the number of places required. Two representatives mentioned certain technical difficulties which had arisen in regard

to the implementation of the scheme, namely, the response by Governments to UNHCR requests for resettlement, the criteria for the admission of "non-link" cases presented to resettlement countries and the use of refugee processing centres when the transfer of the refugees concerned to their country of destination was not feasible within three months. In reply, the Chief of the Resettlement Section stated that such technical problems could be resolved during the trial period. As regards future plans for the scheme, he stated that while it was difficult to provide details at this stage, it would probably not be necessary to increase the pledges to the scheme next year.

33. There was agreement that all the measures taken to promote rescue at sea needed to be maintained, improved and widely supported by States. With regard to resettlement, one representative expressed his Government's satisfaction that under the RASRO scheme there was no longer a direct link between the fact of being the flag State and having resettlement responsibility for rescued refugees. Two representatives, however, pointed out that the principle of flag State responsibility was applied by their respective countries and considered that this principle should be upheld. A third representative expressed the view that the principle of flag State responsibility was of particular importance in the burden-sharing context. A number of representatives referred to "mercy ships" that had sailed to the South China Sea with the specific purpose of looking for and rescuing refugees in need of assistance. While it was acknowledged that those involved were motivated by the highest of humanitarian considerations, the fear was expressed that the operation of "mercy ships" might act as a "pull factor", causing more persons to leave their country of origin and to risk their lives at sea. One representative stated that such "mercy ships" had, at the same time, contributed to the increase in the rescue rate in 1985 and that several countries had resettled persons rescued by the "mercy ships" on the basis of family reunion.

34. Some speakers expressed caution about giving wide publicity concerning the rescue at sea programme so as to avoid creating a "pull factor". One representative noted that many shipowners and masters were still unfamiliar with UNHCR rescue at sea programmes and how they worked. He suggested that countries which had not already done so mount public information programmes on rescue at sea for their flag carriers. The Chief of the Resettlement Section stated that information on the various schemes was being disseminated to government officials and members of the shipping community, but not to the general public. One representative stated that, in response to a request from the High Commissioner, his Government would soon inform shipmasters of their duty to rescue and of the details of the DISERO, RASRO and reimbursement schemes. One representative mentioned that some countries, in an effort to promote rescue at sea, gave their own awards to rescuers and commended others to do likewise.

35. At the close of the discussions, the Sub-Committee recommended that the Executive Committee should adopt the following conclusions on problems related to the rescue of asylum-seekers in distress at sea:

The Executive Committee:

(a) Reaffirmed the fundamental obligation under international law for shipmasters to rescue all persons, including asylum-seekers, in distress at sea;

(b) Recalled the conclusions adopted by the Executive Committee at previous sessions recognizing the need to promote measures to facilitate the rescue of asylum-seekers in distress at sea;

(c) Expressed satisfaction that the rescue of asylum-seekers in distress at sea had increased significantly in 1985 but at the same time expressed concern that many ships continued to ignore asylum-seekers in distress at sea;

(d) Welcomed the fact that the provision of an appropriate number of resettlement places had made it possible for the Rescue at Sea Resettlement Offers (RASRO) scheme to commence on a trial basis as from May 1985;

(e) Welcomed the wide ranging initiatives undertaken by UNHCR to promote the rescue of asylum-seekers in distress at sea and the support given to these initiatives by States;

(f) Strongly recommended that States maintain their support of UNHCR action in this area and, in particular, that they:

(i) Join or renew contributions to the DISERO (Disembarkation Resettlement Offers) and to the RASRO (Rescue at Sea Resettlement Offers) schemes, or to either of them, as soon as possible;

(ii) Request shipowners to inform all shipmasters in the South China Sea of their responsibility to rescue all asylum-seekers in distress at sea.

Voluntary repatriation (item 4 of the agenda)

36. In introducing this item, the Director of International Protection recalled that the subject of voluntary repatriation had been previously considered by the Sub-Committee in 1980, subsequent to which the Executive Committee had adopted conclusion No. 18 (XXXI), in which it had identified a set of principles relating to voluntary repatriation. Since that time, voluntary repatriation as a solution to refugee problems had received increased attention from the international community. At its thirty-fifth session in 1984, the Executive Committee had asked the High Commissioner to continue his efforts to realize durable solutions for refugee problems with particular emphasis on voluntary repatriation.

37. In response to that request, the High Commissioner, in consultation with a number of Governments and the Chairman of the Executive Committee, arranged for the holding of the Round Table on Voluntary Repatriation, under the auspices of the International Institute of Humanitarian Law, at San Remo, Italy, in July 1985. The report and conclusions of the Round Table had been submitted to the Sub-Committee in document EC/SCP/41. The Round Table had underlined the need to develop and strengthen international co-operation to facilitate voluntary repatriation of refugees, which was universally recognized as the best solution to any refugee problem, and the importance of co-ordinated action among the parties concerned to encourage voluntary repatriation. Of equal importance was the need to have regard to the root causes of refugee problems, the awareness of which was essential in promoting solutions including voluntary repatriation. It was also necessary for States directly concerned with refugees to display sufficient political will to address such issues as respect for human rights, the non-use of force, the peaceful settlement of disputes and economic and social development. The responsibility of States towards their own nationals and the responsibility of other States to assist in promoting conditions favourable to voluntary repatriation were also recognized by the Round Table.

38. The Round Table had expressed the view that the existing mandate of the High Commissioner was sufficient to allow him to promote voluntary repatriation in its broadest sense. The High Commissioner could thus seek to promote a dialogue between all main parties, facilitate communication between them and act as an intermediary or channel of communication. The High Commissioner should moreover be fully involved from the outset in both the planning and the implementation stages of voluntary repatriation. The High Commissioner also had a legitimate concern as to the consequences of repatriation, particularly if this were brought about as a result of an amnesty or other form of guarantee of safe return. To this end it was necessary for UNHCR to have direct and unhindered access to returnees to ensure fulfilment of all amnesties, guarantees or assurances.

39. The Round Table had also recognized the need for the High Commissioner to be able to deal with any entity, even one not recognized internationally, if this would help in facilitating voluntary repatriation. The practice of establishing tripartite commissions involving the country of origin, the country of asylum and UNHCR was also endorsed by the meeting which also recommended the setting up of informal ad hoc consultative groups whenever the High Commissioner, in consultation with the Chairman of Executive Committee, considered this to be necessary.

40. The attention of the Sub-Committee was also drawn to a recommendation of the Round Table which called for consideration by the international community of the possibility of elaborating a multilateral framework governing voluntary repatriation. The Round Table believed that such a framework should move away from the emphasis of existing international instruments on external settlement as a solution to refugee problems and place more emphasis on reconciliation, restoration of confidence, and return.

41. In concluding his statement, the Director of International Protection expressed the hope that through its deliberations the Sub-Committee would be able to recommend a further set of principles for adoption by the Executive Committee to complement those contained in conclusion No. 18 (XXXI). This would enable the Office of the High Commissioner to play a more active role in the field of voluntary repatriation.

42. In the ensuing discussion, all representatives expressed their appreciation for the initiative of the High Commissioner in arranging for the holding of the San Remo Round Table, which had helped to focus attention on voluntary repatriation as the best of all durable solutions to refugee problems.

43. A large number of speakers considered that the report and the conclusions of the Round Table had provided a new direction in the field of voluntary repatriation and expressed the hope that this would help in revitalizing international efforts to promote this solution. They also expressed their general agreement with the Round Table's conclusions.

44. A number of speakers placed particular emphasis on the right of an individual to return to his country of origin as the fundamental basis for the promotion of voluntary repatriation. All other considerations followed from this basic premise. Concomitant to this was the principle of free, voluntary and individual nature of all repatriation movements.

45. There was widespread agreement that the High Commissioner's mandate to promote voluntary repatriation was sufficiently broad to enable him to take all appropriate

initiatives in this regard, including efforts to promote conditions favourable to that solution. A number of speakers believed that the High Commissioner had a responsibility to initiate dialogues with the country of origin, the country of asylum and the refugees as soon as possible. One speaker felt that the High Commissioner's involvement in repatriation efforts would generate confidence in refugees to return. A number of other speakers, however, considered that when undertaking such initiatives the High Commissioner should exercise caution so as not to become involved in political issues. Another speaker felt that the High Commissioner should not undertake any initiative in this regard unless necessary preconditions were met which included the ending of foreign occupation and aggression. The same speaker also felt that the High Commissioner should not undertake any voluntary repatriation exercise until he had received the consent of all the parties concerned. One speaker suggested that in some instances it might be preferable for the High Commissioner to refer certain cases to the Secretary-General of the United Nations so that he could take the necessary initiatives.

46. A majority of the speakers, in supporting another conclusion of the Round Table, believed that the High Commissioner had a legitimate concern as to the consequences of any voluntary repatriation movement, particularly if such a movement had been brought about as a result of an amnesty or other form of guarantee of safe return. One speaker, however, felt that the High Commissioner's involvement with returnees might create legal difficulties vis-à-vis the authorities of the country of origin. It might, therefore, be useful to seek a specific mandate in this regard through a General Assembly resolution.

47. A number of representatives emphasized the primary responsibility of the country of origin to remove the root causes of refugee problems and to create conditions conducive to the return of refugees. Other representatives stressed the duty of all parties concerned to promote conditions favourable to return. That included the country of asylum, which should ensure that no obstacles were placed in the way of voluntary repatriation. One speaker cautioned that the High Commissioner should not be placed in a situation where he might have to concern himself with non-humanitarian issues. The emphasis given by the Round Table to the need for identifying the root causes of refugee movements and their removal was generally welcomed.

48. The recommendation of the Round Table regarding the setting up of ad hoc informal consultative groups, whenever considered appropriate by the High Commissioner, received general support. Certain speakers felt that that suggestion required further consideration. One speaker, however, felt that such further consideration, which might take a certain time, could unduly limit the High Commissioner's freedom of action. Another speaker believed that membership of the ad hoc consultative group should be limited to members of the Executive Committee who, because of their long experience, were in the best position to provide appropriate advice to the High Commissioner. Certain other speakers, however, believed that the countries most directly concerned, namely, the country of origin and the country of asylum, should always be involved even if they were not members of the Executive Committee. One representative suggested that if in particular circumstances the High Commissioner found that the appointment of or consultation with an ad hoc consultative group would involve UNHCR in political issues, he could request the Secretary-General to take over responsibility in the matter. This might provide an extra guarantee of the strictly humanitarian nature of the Office's role.

49. Several speakers expressed support for the Round Table recommendation regarding the elaboration of a multilateral framework governing voluntary repatriation, while others felt that the matter required further consideration. A certain number of speakers sought further clarifications as to the precise implications of that recommendation.

50. One speaker recalled the successful initiative of the High Commissioner in the setting up of a tripartite commission to promote the voluntary repatriation of Ethiopian refugees from Djibouti and expressed the hope that a similar solution would be tried in other situations. He felt that the situation in Central America was particularly ripe for such action and called upon the High Commissioner to undertake immediate initiatives in this area. In regard to South-East Asia, he believed that the appearance and the substance of the solution of voluntary repatriation must be maintained despite the difficulties that were known to exist. That was important so as not to make it appear that resettlement was the only solution. He urged the High Commissioner to redouble his efforts in the region and suggested the appointment once again of a regional co-ordinator to promote durable solutions in South-East Asia. Another speaker expressed the hope that the Office would continue its efforts at a high level, to obtain the approval of the authorities of the Lao People's Democratic Republic in order to facilitate the safe return of those Lao refugees who wished to return to that country. A further speaker recalled that several delegations, including his own, had urged the setting up of a separate unit for durable solutions within UNHCR.

51. Two speakers expressed specific support for the conclusions of the San Remo Round Table that the High Commissioner could deal with any entity, whether recognized or not by the international community, if he believed that that would help in promoting voluntary repatriation. One speaker, however, felt that the High Commissioner should exercise extreme caution before deciding to deal with an entity that was not well-established and that had no international standing.

52. One speaker expressed the satisfaction of his delegation that, in recent years, the Office had been able to organize successful repatriation programmes in different areas including Argentina, Ethiopia, the Lao People's Democratic Republic and Uruguay. Another speaker asked that the Office provide regular statistics on its voluntary repatriation efforts particularly to the Lao People's Democratic Republic and Viet Nam.

53. In responding to the debate, the Director of International Protection stated that making arrangements for voluntary repatriation was an integral activity of the Office. The need to promote voluntary repatriation had become increasingly urgent because of the large number of refugees for whom either local integration or third country resettlement was not feasible. He felt that the existing mandate of the High Commissioner was sufficient in this regard and there was no need to approach the General Assembly for specific authorization.

54. For the Office of the High Commissioner the primary consideration was that any repatriation arrangement, whether for individuals or groups, should be based on the free will of the individual to return. It was evident that some situations were inherently political and in such situations it was important for the Office of the High Commissioner to have the support of the countries directly concerned with the specific refugee problem and of the international community as a whole. In certain cases the Office felt that given the underlying political context it was preferable to leave the initiative to the Secretary-General of the United Nations. In this

connection he mentioned that the Office of the High Commissioner was presently co-operating with the Secretary-General's Special Representative in his efforts to obtain a solution to the Afghanistan crisis, which included the problem of the substantial number of Afghan refugees who found themselves in neighbouring countries. It should, of course, be added that the fact that the political situation in a particular country had not changed did not preclude voluntary repatriation on an individual basis which the Office was always available to facilitate.

55. The fact that a large number of representatives had recognized the legitimate concern of the High Commissioner regarding the consequences of the return of refugees to their country of origin was a source of satisfaction. In order to implement any repatriation programme successfully it was important for the Office to be able to monitor returns, and, in this connection, mention could be made of the experience of the Office in monitoring the return of refugees to Zaire at the request of the authorities of that country.

56. The Director of International Protection further stated that in order to be able successfully to initiate a voluntary repatriation programme it was important for the Office to have sufficient funds and resources at its disposal. The Office's involvement in arrangements for rehabilitation in the country of origin was sometimes essential for the successful implementation of voluntary repatriation programmes. Responding to the suggestion of one speaker that the Office undertake further efforts to promote voluntary repatriation in Central America, he stated that the Office was presently co-operating in the establishment of a voluntary repatriation commission involving Honduras and El Salvador and hoped to be able to do likewise with respect to Honduras and Nicaragua.

57. In his concluding remarks the Chairman, on behalf of the Sub-Committee, thanked the International Institute of Humanitarian Law at San Remo and its President, Professor Patronogic, for the holding of the Round Table on Voluntary Repatriation.

58. At the close of the discussion, the Sub-Committee recommended that the Executive Committee adopt the following conclusions on voluntary repatriation:

The Executive Committee, reaffirming the significance of its 1980 conclusion on voluntary repatriation as reflecting basic principles of international law and practice, adopted the following further conclusions on this matter:

- (a) The basic rights of persons to return voluntarily to the country of origin is reaffirmed and it is urged that international co-operation should be aimed at achieving this solution and should be further developed;
- (b) The repatriation of refugees should only take place at their freely expressed wish; the voluntary and individual character of repatriation of refugees and the need for it to be carried out under conditions of absolute safety, preferably to the place of residence of the refugee in his country of origin, should always be respected;
- (c) The aspect of causes is critical to the issue of solution and international efforts should also be directed to the removal of the causes of refugee movements. Further attention should be given to the causes and prevention of such movements, including the co-ordination of efforts currently being pursued

by the international community and, in particular, within the United Nations. An essential condition for the prevention of refugee flows is sufficient political will by the States directly concerned to address the causes which are at the origin of refugee movements;

(d) The responsibilities of States towards their nationals and the obligations of other States to promote voluntary repatriation must be upheld by the international community. International action in favour of voluntary repatriation, whether at the universal or regional level, should receive the full support and co-operation of all States directly concerned. Promotion of voluntary repatriation as a solution to refugee problems similarly requires the political will of States directly concerned to create conditions conducive to this solution. This is the primary responsibility of States;

(e) The existing mandate of the High Commissioner is sufficient to allow him to promote voluntary repatriation by taking initiatives to this end, promoting dialogue between all the main parties, facilitating communication between them and acting as an intermediary or channel of communication. It is important that he establish, whenever possible, contact with all the main parties and acquaint himself with their points of view. From the outset of a refugee situation, the High Commissioner should at all times keep the possibility of voluntary repatriation for all or for part of a group under active review and, whenever he deems that the prevailing circumstances are appropriate, the High Commissioner should actively pursue the promotion of this solution;

(f) The humanitarian concerns of the High Commissioner should be recognized and respected by all parties and he should receive full support in his efforts to carry out his humanitarian mandate in providing international protection to refugees and in seeking a solution to refugee problems;

(g) On all occasions, the High Commissioner should be fully involved from the outset in assessing the feasibility and thereafter in both the planning and implementation stages of repatriation;

(h) The importance of spontaneous return to the country of origin is recognized and it is considered that action to promote organized voluntary repatriation should not create obstacles to the spontaneous return of refugees. Interested States should make all efforts, including the provision of assistance in the country of origin, to encourage this movement whenever it is deemed to be in the interests of the refugees concerned;

(i) When, in the opinion of the High Commissioner, a serious problem exists in the promotion of voluntary repatriation of a particular refugee group, he may consider for that particular problem the establishment of an informal ad hoc Consultative Group which would be appointed by him in consultation with the Chairman and the other members of the bureau of his Executive Committee. Such a group may, if necessary, include States that are not members of the Executive Committee and should in principle include the countries directly concerned. The High Commissioner may also consider invoking the assistance of other competent United Nations bodies;

(j) The practice of establishing tripartite commissions is well adapted to facilitating voluntary repatriation. The tripartite commission, which should consist of the countries of origin and of asylum and UNHCR, could concern itself

with both the joint planning and the implementation of a repatriation programme. It is also an effective means of securing consultations between the main parties concerned on any problems that might subsequently arise;

(k) International action to promote voluntary repatriation requires consideration of the situation within the country of origin as well as within the receiving country. Assistance for the reintegration of returnees provided by the international community in the country of origin is recognized as an important factor in promoting repatriation. To this end, UNHCR and other United Nations agencies as appropriate, should have funds readily available to assist returnees in the various stages of their integration and rehabilitation in their country of origin;

(l) The High Commissioner should be recognized as having a legitimate concern for the consequences of return, particularly where such return has been brought about as a result of an amnesty or other form of guarantee. The High Commissioner must be regarded as entitled to insist on his legitimate concern over the outcome of any return that he has assisted. Within the framework of close consultations with the State concerned, he should be given direct and unhindered access to returnees so that he is in a position to monitor fulfilment of the amnesties, guarantees or assurances on the basis of which the refugees have returned. This should be considered as inherent in his mandate;

(m) Consideration should be given to the further elaboration of an instrument reflecting all existing principles and guidelines relating to voluntary repatriation for acceptance by the international community as a whole.

Irregular movements of asylum-seekers and refugees (item 5 of the agenda)

59. Introducing this item, the Director of International Protection recalled that the problem of irregular movements of asylum-seekers and refugees was first raised in the Executive Committee at its thirty-fifth session. Following a request by several members of the Executive Committee to prepare a study on the subject, the High Commissioner appointed a consultant, Mr. Gilbert Jaeger, to undertake the task. In consultation with the Chairman, a governmental working group was established to consider the results of the study. In April 1985, the Working Group, initially composed of 14 Governments, met at Geneva to discuss a background paper prepared by the consultant and to provide the consultant with suggestions on how to proceed with his study. Following the submission of the study prepared by the consultant, the Working Group met for a second time, on Friday 27 September. On that occasion its composition was broadened to include all member States of the Executive Committee. In the light of the views expressed at that meeting and in subsequent consultations, a set of draft conclusions had been elaborated which was circulated as document EC/SCP/40/Rev.1.

60. In the draft conclusions, it was stated at the outset that irregular movements comprised refugees, whether they had been formerly identified as such or not, who had found protection in one country but who, nevertheless, move in an irregular manner to another country to seek asylum or a durable solution. The term "irregular movements", did not, therefore, cover refugees who arrived directly from a country in relation to which they allege fear of persecution or to refugees who had not yet found protection in another country, including refugees in an orbit situation. Irregular movements, defined in this manner, had given rise to growing concern by Governments and UNHCR, because they had tended to destabilize structured efforts to provide appropriate durable solutions for refugees.

61. The draft conclusions also took note of the fact that the motivation for irregular movements was to be found primarily in the uncertain situation of the persons concerned and/or the absence of educational and employment possibilities as well as the non-availability of long-term durable solutions. The problem of irregular movements called for action by concerned Governments and UNHCR to remove or reduce the causes that impelled refugees to leave by irregular means from countries where they had already found protection. Such action should be primarily directed to providing appropriate and adequate durable solutions for refugees and asylum-seekers in such countries. It needed to be taken in the context of international co-operation and burden-sharing by all concerned States, namely, States where refugees have found protection, resettlement countries, donor countries and others. To achieve a fundamental impact in regard to the irregular movements, it was of primary importance for appropriate measures to be taken at the source of the problem.

62. In principle, refugees and asylum-seekers who had found protection in a particular country should not move from that country in an irregular manner, particularly when there were durable solutions available to them there. When refugees in this latter situation, nevertheless, moved to another country in an irregular manner, they might be returned to the country in which protection was originally found on two conditions - that they were protected against refoulement in that country and that they were permitted to remain there and be treated in accordance with recognized human standards until a durable solution was found for them. Should the persons concerned allege fear of persecution or danger to their physical safety or freedom in the country where they originally found protection, their case should be given favourable consideration even if they moved from that country in an irregular manner.

63. The draft conclusions also described irregular movements as involving entry into the territory of another country without the prior consent of the national authorities or without an entry visa, or with no or insufficient documentation normally required for travel purposes. They also referred to the use by a growing number of refugees and asylum-seekers of fraudulent documentation and their practice of wilfully destroying or disposing of travel or other documents in order to mislead the authorities of the country of arrival. Such practices were characterized as fraudulent and may weaken the case of the person concerned. On the other hand, there could be circumstances that compelled persons who had already found protection in one country to have recourse to fraudulent documentation because their physical safety or freedom in that country was endangered. If this was not the case, however, the use of fraudulent documentation was unjustified. The wilful destruction or disposal of travel or other documents in order to mislead national authorities as to their stay in another country was also unacceptable and States should make appropriate arrangements to deal with this phenomenon.

64. In conclusion, the Director of International Protection stressed the need for the subject to be addressed in a true spirit of international co-operation and burden-sharing in keeping with the traditions of the Sub-Committee.

65. In the ensuing discussion, a number of representatives expressed appreciation for the preparatory work that had been undertaken by UNHCR. Particular reference was made to the study of the consultant as well as to the efforts undertaken by UNHCR in order to arrive at the draft conclusions contained in document EC/SCP/40/Rev.1. Several representatives considered the draft conclusions as adequate, well-balanced and as reflecting the legitimate interests of refugees and

concerned States. One representative, however, stated that his Government could only accept the draft conclusions subject to the following modifications being introduced: in paragraph (f), replace (i) and (ii) by the following: "(i) if they are protected there in accordance with article 33 of the Geneva Convention against refoulement, and (ii) they are during their stay there treated in accordance with the minimum standards laid down in article 42 of the Geneva Convention (arts. 1, 3, 4, 16 (1) and 33) until a durable solution is found for them"; and, in paragraph (g), insert after the words "... safety or freedom are endangered" the words "for reasons mentioned in article 1 a (2) of the Geneva Convention".

66. Particular attention was drawn by one representative to paragraph (b) of the draft conclusions, according to which irregular movements of refugees and asylum-seekers who had already found protection in a country were, to a large extent, composed of persons who felt impelled to leave, owing to the absence of educational and employment possibilities and the non-availability of a long-term durable solution by way of voluntary repatriation, local integration and resettlement. He believed this enumeration was more appropriate for refugee situations in Europe and was of lesser relevance to other regions such as Asia where refugees entered countries with the clear objective of proceeding to another country of destination. He therefore believed that the enumeration contained in paragraph (b) should be broadened so as to cover cases of refugees who left their present country of asylum for other reasons such as to be reunited with relatives living elsewhere.

67. At the request of one representative, the Chairman confirmed that the figures contained in the study submitted by the consultant on the number of refugees in various countries were for the most part provided by the Governments of those countries.

68. One representative expressed the view that movements of refugees and asylum-seekers who were only in transit in another country should not be considered as irregular movements. The Director of International Protection stated that, in the light of the discussions and the wording of the draft conclusions, it was clear that these did not apply to refugees and asylum-seekers who were merely in transit in another country.

69. Finally, one representative expressed concern that the proposed text could be seen as further restricting asylum and stressed the need for problems of irregular movements and those concerning refugees in orbit to be solved in the context of burden-sharing and the humanitarian principles established for the protection of refugees. The need for adequate burden-sharing arrangements to deal with the problem of irregular movements was stressed by a number of other speakers. One representative, expressing support for the draft conclusions, drew attention to the destabilizing effect of irregular movements of refugees and asylum-seekers from the standpoint of established arrangements for organized resettlement and the provision of durable solutions.

70. At the close of the discussions the Sub-Committee recommended, subject to the reservations mentioned in paragraph 65 above, that the Executive Committee adopt the following conclusions on the problem of refugees and asylum-seekers who move in an irregular manner from a country in which they had already found protection:

(a) The phenomenon of refugees, whether they have been formally identified as such or not (asylum-seekers), who move in an irregular manner from countries in

which they have already found protection, in order to seek asylum or permanent resettlement elsewhere, is a matter of growing concern. This concern results from the destabilizing effect which irregular movements of this kind have on structured international efforts to provide appropriate solutions for refugees. Such irregular movements involve entry into the territory of another country, without the prior consent of the national authorities or without an entry visa, or with no or insufficient documentation normally required for travel purposes, or with false or fraudulent documentation. Of similar concern is the growing phenomenon of refugees and asylum-seekers who wilfully destroy or dispose of their documentation in order to mislead the authorities of the country of arrival;

(b) Irregular movements of refugees and asylum-seekers who have already found protection in a country are, to a large extent, composed of persons who feel impelled to leave, owing to the absence of educational and employment possibilities and the non-availability of long term durable solutions by way of voluntary repatriation, local integration and resettlement;

(c) The phenomenon of such irregular movements can only be effectively met through concerted action by Governments, in consultation with UNHCR, aimed at (i) identifying the causes and scope of irregular movements in any given refugee situation, (ii) removing or mitigating the causes of such irregular movements through the granting and maintenance of asylum and the provision of necessary durable solutions or other appropriate assistance measures, (iii) encouraging the establishment of appropriate arrangements for the identification of refugees in the countries concerned and, (iv) ensuring humane treatment for refugees and asylum-seekers who, because of the uncertain situation in which they find themselves, feel impelled to move from one country to another in an irregular manner;

(d) Within this framework, Governments, in close co-operation with UNHCR, should (i) seek to promote the establishment of appropriate measures for the care and support of refugees and asylum-seekers in countries where they have found protection pending the identification of a durable solution and (ii) promote appropriate durable solutions with particular emphasis firstly on voluntary repatriation, and when this is not possible, local integration and the provision of adequate resettlement opportunities;

(e) Refugees and asylum-seekers, who have found protection in a particular country, should normally not move from that country in an irregular manner in order to find durable solutions elsewhere but should take advantage of durable solutions available in that country through action taken by Governments and UNHCR as recommended in paragraphs (c) and (d) above;

(f) Where refugees and asylum-seekers nevertheless move in an irregular manner from a country where they have already found protection, they may be returned to that country if (i) they are protected there against refoulement and (ii) they are permitted to remain there and to be treated in accordance with recognized basic human standards until a durable solution is found for them. Where such return is envisaged, UNHCR may be requested to assist in arrangements for the readmission and reception of the persons concerned;

(g) It is recognized that there may be exceptional cases in which a refugee or asylum-seeker may justifiably claim that he has reason to fear persecution or that his physical safety or freedom are endangered in a country where he previously

found protection. Such cases should be given favourable consideration by the authorities of the State where he requests asylum;

(h) The problem of irregular movements is compounded by the use, by a growing number of refugees and asylum-seekers, of fraudulent documentation and their practice of wilfully destroying or disposing of travel and/or other documents in order to mislead the authorities of their country of arrival. These practices complicate the personal identification of the persons concerned and the determination of the country where he stayed prior to arrival, and the nature and duration of his stay in such country. Practices of this kind are fraudulent and may weaken the case of the person concerned;

(i) It is recognized that circumstances may compel a refugee or asylum-seeker to have recourse to fraudulent documentation when leaving a country in which his physical safety or freedom are endangered. Where no such compelling circumstances exist, the use of fraudulent documentation is unjustified;

(j) The wilful destruction or disposal of travel or other documents by refugees and asylum-seekers upon arrival in their country of destination, in order to mislead the national authorities as to their previous stay in another country where they have protection, is unacceptable. Appropriate arrangements should be made by States, either individually or in co-operation with other States, to deal with this growing phenomenon.

Other business (item 6 of the agenda)

71. No other business was examined.

Report of the Sub-Committee on Administrative and Financial Matters*

1. Ambassador K. Chiba, Vice-Chairman of the Executive Committee at its thirty-fifth session and Chairman of the Sub-Committee on Administrative and Financial Matters opened the meeting.
2. The High Commissioner welcomed representatives to the fifth annual session of the Sub-Committee on Administrative and Financial Matters, which he said had begun on an experimental basis but had now acquired full momentum. He described the basic problem confronting the Office as the funding of UNHCR 1985 General Programmes, and referred, in this context, to document EC/SC.2/1985/CRP.1. He declared that solutions must be found and that UNHCR would strive to do its best within the existing constraints. The High Commissioner also referred to management improvements which had been made in UNHCR and to the field orientation of the Office's work. He concluded by stressing the great importance he attached to the advice and guidance of the Sub-Committee.

Adoption of the agenda and organization of work (item 1 of the agenda)

3. The provisional annotated agenda (EC/SC.2/23) was adopted. In view of the gravity of the financial crisis confronting UNHCR, however, the Chairman decided, with the agreement of the Sub-Committee, to begin the proceedings with a discussion of agenda item 3 (b).

Flow of budgetary and financial information (item 3 (b) of the agenda)

4. In introducing the item, the Director of External Affairs made reference to the documentation available and noted that the question of contributions had assumed a basic and urgent importance. The most critical problem concerned the General Programmes on which the Director would concentrate since those programmes were the first priority of UNHCR.
5. The Director stressed that all sources of General Programmes income were in decline and it was unlikely that UNHCR would be able to fund the revised 1985 programmes at \$319 million and would have little or no funds to begin the 1986 programmes. He stated that the decline in contributions was due both to the inadequate level of pledges made at the annual Pledging Conference and, in 1985, to the fact that the demands of the African emergency had consumed donor funds which otherwise might have been contributed to the General Programmes.
6. The Director underlined the vulnerability of the financing of UNHCR General Programmes through limited initial pledges to be supplemented later by additional contributions from general, humanitarian budgets. A more secure way had to be found to bridge the very large gap of some \$200 million per year between the results of the Pledging Conference and the final General Programmes expenditure requirement.

* Previously issued under the symbol A/AC.96/670.

7. The Director announced that the current shortfall on the revised 1985 General Programmes was some \$57 million. Secondary income might produce a further \$13 million before the end of the year, leaving \$44 million to be covered from additional contributions. It was, he said, totally unrealistic to expect such a level of additional contributions and even if such were achieved, there would still be no funds to carry into 1986 to begin the new General Programmes.

8. UNHCR had alerted the international community to this situation since late 1984. In view of the funding situation, the High Commissioner had, on 27 September, instituted a freeze on 1985 expenditure pending a total programme review and had cancelled all unliquidated obligations from prior years' programmes. The Director appealed to donors to inform UNHCR in the coming two weeks what additional contributions might be available for the rest of the year so that the High Commissioner, in mid-October, could make final decisions concerning General Programmes 1986 expenditure on the best information available, thus being able to minimize the distress and suffering of refugees. If the measures taken did not produce sufficient resources, extremely drastic measures would be required in which even survival levels of assistance would be at risk.

9. The Director stressed that the 1986 General Programmes would be almost entirely dependent on contributions since secondary income would be minimal. He declared that in finding a solution, all concerned must act together. UNHCR and implementing agencies must search harder for economy and cost-effectiveness. Donors should increase contributions to a more appropriate and regular, stable level. If the necessary resources were not available, UNHCR could not be expected to carry out the task demanded of it.

10. In the discussion which followed, delegations, while commenting favourably on the clarity both of the documentation provided to them and of the Director's presentation, expressed great concern at the financial crisis facing UNHCR General Programmes. One delegation pointed to the need for donors to provide additional extraordinary resources for unforeseen emergency requirements and for donors, where appropriate, to restructure their budgets to take into account UNHCR General Programmes needs at an appropriate level.

11. A large number of delegations emphasized the difficulty of responding to numerous appeals using very limited budget resources. While expressing their readiness to try to help in the present crisis, they recommended parallel action to be taken principally by UNHCR in the following areas:

- (a) Improvements in programme budgeting and management;
- (b) Ensuring that assistance is directed as far as possible towards durable solutions and self-sufficiency for refugees;
- (c) Further co-ordination of programmes with appropriate United Nations and other agencies;
- (d) Contingency and priority planning so that when the programme reductions were due or required, they could be made on the basis of established priorities and at an earlier date;
- (e) Stricter review of programme budget and expenditure;

(f) Increased pursuit of new sources of funding in the governmental, non-governmental and private sectors.

12. Several delegations expressed concern about the effect of programme reductions on the refugees themselves and recommended that all parties concerned - UNHCR, donors and implementing agencies - should co-operate in the search for a solution to the problem. Mention was made of the need for recipient Governments to recognize that refugee funds should be used for direct assistance to refugees without extraneous conditions or limitations. It was suggested by one delegation that the Sub-Committee might consider drawing up a set of basic recommendations on programme and assistance implementation criteria.

13. Delegations pointed to the high level of donor response in 1985 to the overall needs of refugees and others. While the difficulty of producing additional 1985 General Programmes contributions was underlined, several delegations promised to make early payment of such contributions in 1986.

14. A number of delegations emphasized the very significant contributions made to refugees by the countries of asylum in terms of welcome, sharing of resources and the granting of land tenure and citizenship. To support such actions and policies, the financial input of the international community through UNHCR was essential. Refugee assistance should be a specific priority for financial donors and delegations urged that extra contributions should be made to UNHCR as soon as possible.

15. In his reply, the Director of External Affairs emphasized both the validity of refugee needs as identified by UNHCR and the seriousness of the reduction in the 1985 requirement which had been made in the mid-year programme review. UNHCR had hoped that the revised 1985 requirement could be funded but, after very close monitoring of income and prospective further contributions, it had become clear only recently that even the reduced programme would not be funded. In that light, the drastic expenditure freeze had been necessary. The final level of such restrictive measures could only be determined in mid-October, when as precise an estimate of income as possible would be available to the High Commissioner.

16. Concerning contributions by non-governmental organizations to UNHCR and UNHCR fund-raising efforts in that field, the Director gave several examples of the excellent response from non-governmental organizations in 1985 (currently at \$17 million but likely to reach \$20 million), particularly for the African emergency. Non-governmental organizations operational partners also contributed greatly to UNHCR refugee assistance programmes.

17. The Director concluded by acknowledging with great appreciation the generous response of donors in 1985. Total contributions so far in 1985 were already higher than the total of contributions in 1984. Donors had increased their total of contributions by an average of 10 per cent. Unfortunately, in 1985, the needs were considerably higher than in 1984 and contributions - particularly to the General Programmes - were therefore still of vital importance. UNHCR was very much aware of the considerable support given by donors in 1985 and was deeply grateful for it.

Management, programme support and administration (item 2 of the agenda)

18. The Chairman then called upon the Director of Administration and Management to provide a general introduction to the items relating to management, programme support and administration. Referring to the current financial crisis affecting

UNHCR, the Director emphasized the need for a most rigid ranking of priorities and referred to the High Commissioner's instructions to put a freeze on recruitment of staff, consultants and experts, on temporary assistance, on seminars, and to control more strictly travel and telecommunications.

19. After a brief introduction to each of the documents presented to the Sub-Committee under items 2, 3 (a) and 4 of the agenda, he expanded on four specific subjects: classification of Professional posts; staffing levels and zero growth; apportionment of UNHCR administrative costs between the United Nations regular budget and voluntary funds; and personnel matters.

20. On the Professional job classification exercise, he summarized the background and recalled that staffing costs were covered partly by the United Nations regular budget and partly by voluntary funds. The Director noted that while the Executive Committee had approved the results of the job classification exercise under voluntary funds, a decision by the General Assembly on the results under the regular budget part was still awaited. One problem that existed concerning the approval of the reclassification of three D-1 posts to the D-2 level in the field had been overcome. The Secretary-General would therefore present the whole package under the regular budget, including these three posts, to the General Assembly.

21. Turning to staffing levels, the Director informed the Sub-Committee that all new requirements were now met mainly through redeployment from headquarters to the field, thus maintaining the zero growth policy. The Director expressed the Administration's conviction that in some places field staffing levels must be strengthened, notably to ensure improved financial management and control, but that this strengthening should continue to be achieved within overall existing authorized staffing levels through further redeployment. The Director emphasized that UNHCR staffing could not be strictly proportionate to either the volume of refugee assistance or refugee numbers as the relative importance of the various UNHCR functions, as well as the conditions of implementation and the nature of programmes, varied greatly between countries.

22. On the apportionment of costs between the United Nations regular budget and voluntary funds, the Director recalled that, since a number of posts had been found to be improperly charged to one or another of the budgets, a joint survey had been undertaken by the United Nations Secretary-General and the High Commissioner in 1982 to streamline the situation in the light of article 20 of the UNHCR Statute and definitions of the Advisory Committee on Administrative and Budgetary Questions. The survey recommended the net transfer of 20 Professional and higher level posts from voluntary funds to the regular budget over three bienniums from 1984 to 1989. The present zero growth policy of the Secretary-General might necessitate this transfer being phased over a longer period. No net transfer would take place for the biennium 1986-1987.

23. The Director then turned to personnel matters. Even in a period of zero growth, external recruitment was inevitable: posts became vacant through retirement, transfer to other United Nations bodies or resignation. Ninety countries were represented among UNHCR staff. Recruitment policy continued to be based on the principles of competence and integrity, motivation, and, as far as officers in the Professional category and above were concerned, willingness to serve in the field. The Director stressed that UNHCR was seeking to increase the participation of non-represented countries and of little-represented countries. Special efforts were made to increase the number of women recruited by the Office.

Concerning human resources planning and training activities, the Director informed the Sub-Committee that a computerized data-base was being used to identify the human resources available within UNHCR. Training activities started with the induction of newly-recruited staff and then covered technical fields and emergency preparedness. Staff rotation between duty stations was better organized through simultaneous "chain" selection and movements. Efforts to improve conditions of service in the field were made within UNHCR, and by UNHCR in co-ordination with the United Nations system. In all these fields, it was realized that much ground still needed to be covered. The objective of all measures in the administration and management field remained to maintain a dynamic, efficient, adaptable and cost-effective organization.

24. Finally, the Director informed the Sub-Committee that the UNHCR Staff Council was now autonomous and no longer part of the United Nations Staff Council. This Council was established and approved by referendum this year. He informed the Sub-Committee that the Chairman of the Staff Council would like to address the Committee as had been the case in 1984. The Chairman then invited a representative of the Staff Council to take the floor.

25. The Chairman of the Staff Council described the establishment and composition of the Council and shared with the Sub-Committee the point of view of his colleagues on a number of subjects, notably relating to living conditions of staff in the field, the Revolving Fund for staff housing, the inadequacy of training measures, deficiencies in the delegation of authority, the implementation of the rotation policy, the job classification exercise, the role and level of women in UNHCR, and the composition and distribution of staff. He stressed throughout the concern of the staff for the effective fulfilment of the Office's mandate and mentioned the special appeal made by the Staff Council to all staff to donate one day's salary towards the Office's 1985 General Programmes to show their solidarity with the refugees and with the purposes of the Office.

26. Several speakers thanked the Chairman of the Staff Council for his refreshing report, which in their view demonstrated the high level of motivation of UNHCR staff. Many delegations commented positively on specific points raised. One speaker, supported by many others, requested that a similar statement be delivered to the plenary session of the Executive Committee.

27. Various speakers intervened on a number of major issues referred to by the Director of Administration and Management. They felt that the overall financial situation at UNHCR had to be taken into account when reviewing administrative support costs. These costs had also to be reduced should it be necessary to cut assistance programmes further. In this respect, the figure of 14.6 per cent of expenditures for administrative support in 1986 (as shown in table A of document A/AC.96/664) was mentioned as excessive. One delegation doubted whether it was possible to decide on the 1986 target in a situation where it was unclear whether the contributions needed for this expenditure could be made available.

28. The zero growth of posts was welcomed by many delegations which requested that increased staffing needs in certain areas be covered by redeployment from headquarters to the field or within the field. Some speakers mentioned that possibilities for redeployment of posts for the industrialized world, where obligations were not as compelling, should particularly be taken into consideration. One delegation requested that a table be provided showing all UNHCR posts including temporary assistance.

29. Several delegations stressed the need for training of staff to improve UNHCR management, emergency preparedness and financial control. Some representatives inquired about UNHCR expenditures for training.

30. Concerning field activities, several delegations supported the Office's rotation principle and stressed the importance of flexible but fair implementation.

31. A number of speakers also commented on the need for more delegation of authority from headquarters to the field, as well as from senior to lower staff levels.

32. The job classification exercise for officers in the Professional category and above was given full support by several representatives, some of whom requested clarification as to the status of the General Service job classification exercise. One delegation inquired whether document A/AC.96/657 included any classification proposals additional to those approved in January 1985.

33. Concerning project personnel, one speaker requested clarification as to whether the number of project personnel was stable or growing. Another speaker referred to the perennial difficulty of reviewing the level of project personnel and repeated a prior request for the inclusion of comprehensive staffing tables on project personnel at the end of each country chapter in the annual report on assistance activities. The same representative wondered whether UNHCR had established any criteria to establish a balance between regular (P) and project personnel (L) posts.

34. There was unanimity in the Sub-Committee on the need for women to be given equal opportunities for a successful UNHCR career. A great number of delegations made comments in this respect. They felt it was not sufficient to increase the total number of women employed by UNHCR; it was also necessary to improve the promotion prospects of women and to place more women in higher-level posts through external recruitment if necessary. Several delegations asked UNHCR to try to find solutions when there were difficulties in field assignments for women; the rotation principle should be implemented in a flexible way. One representative suggested that the High Commissioner should include in his annual report a breakdown by sex of UNHCR staff for each of the levels P-1 to D-2.

35. One representative requested clarification on the exact nature of the Revolving Fund for field staff housing (EC/SC.2/24). He understood that the Fund was established to provide UNHCR staff in difficult and remote duty stations with essential housing and basic amenities, the costs of which would be restituted by rental payments from staff members benefiting from these facilities. While the speaker felt that the Executive Committee was morally obliged to assist staff in this manner, he objected to charging the costs of prefabricated housing units, which were air-freighted to a duty station in the Sudan, to the Fund and felt that they should have been charged within the framework of the emergency operation.

36. One speaker felt that UNHCR's response (EC/SC.2/27) to the general and specific criticisms raised in the report of the Joint Inspection Unit on the role of UNHCR in South-East Asia (A/40/135) did not go far enough and sometimes consisted only of denials of the validity of some observations. The same speaker, supported by others, was concerned about the need to decentralize and delegate more management responsibility to the field. He requested clearer evidence of what was

being done in this regard and also underlined the report's references to the need for UNHCR to train financial personnel and the importance of staff training in this area.

37. Other speakers also felt that some conclusions of the Joint Inspection Unit report were relevant in other parts of the world, particularly in the areas of regional co-ordination, project monitoring and financial control. A few speakers believed that the post of Regional Co-ordinator for South-East Asia should be re-established to promote durable solutions in Asia. Another speaker expressed the hope that a thorough review of the Joint Inspection Unit report would improve programme implementation and endorsed earlier statements calling for the regionalization of UNHCR activities through decentralization.

38. Concerning administrative support costs, the Director of Administration and Management stated that they were under constant review. He noted, however, that administrative costs could not be cut overnight and would not necessarily be proportionate to cuts in assistance budgets for a number of reasons, including the contractual obligations of the Office to its staff. He underlined that care was being taken to ensure that administrative support costs remained at the most reasonable level possible.

39. On the question of project personnel posts, the Director explained that "project" or "L" posts facilitated the recruitment of certain types of staff for the duration of well-defined projects. Project personnel performed functions of a technical or specialized nature related to the implementation or support of projects, which could not be performed by regular UNHCR staff. The existence of the "L" category of posts continued to provide an important element of flexibility for UNHCR in adapting quickly to new or evolving situations. The Director explained that in addition to 641 project posts reflected in the programme budget document, 80 project posts were created exclusively for the Sudan emergency. The secretariat was prepared to provide more comprehensive tabulated information on project posts in future Executive Committee documents.

40. With regard to staff training and preparedness, one delegation requested that emergency preparedness measures should continue to be strengthened in close co-operation with the United Nations Office for Emergency Operations in Africa, the Office of the United Nations Disaster Relief Co-ordinator (UNDRO), other United Nations agencies and non-governmental organizations. Another speaker wished to emphasize the importance of training in protection matters for staff posted in the field. The Director explained that, in emergency situations, the Office may be obliged to send staff to the field even if they were not specifically trained to fulfil their functions at the expected level. However, the Director pointed out that in some cases untrained staff members had performed in an outstanding manner. He indicated that \$300,000 had been earmarked by a donor country to help enhance the capacity of UNHCR emergency preparedness. On the question of a training budget, he indicated that UNHCR did not have a fixed amount allocated for this purpose as funds were received from several sources. Induction and on-the-job training as well as orientation courses costs were covered by the overall staff costs budget. When training involved travel, this was combined with missions undertaken for other official purposes. It was therefore difficult to determine how much was actually spent on training.

41. Turning to the question of women in UNHCR, the Director informed the Sub-Committee that because of family commitments some women had difficulty in

accepting field assignments: the problem was being looked at so that their career development prospects would not be unreasonably hampered. On the other hand, there were indeed many women already working in field offices. He also stressed that of the five trainees, four were women and this had been a good opportunity to bring women into the organization. Fewer women candidates were, on the whole, available than men. In reply to a query, the Director informed the Sub-Committee that UNHCR had six women at the P-5 level, one at the D-1 level and none at the D-2 level.

42. Concerning Professional job classification, the Director indicated that there were no classification proposals in document A/AC.96/657 additional to those approved by the Executive Committee in January 1985. With regard to General Service job classification, the Director informed the Sub-Committee that the exercise had been finalized but that the implementation of the recommendations had been delayed, in agreement with the Staff Representatives, for the purposes of identifying career paths for General Service staff. It was expected that the recommendations would be implemented in the near future.

43. On the Revolving Fund for field staff housing and basic amenities, the Director stated that the use of prefabricated housing was within the terms of reference of the Fund. The revolving element consisted in the monthly rent which was requested from the staff using the houses. It had been found rational to make use of the existing facilities offered by the Fund to cover staff housing needs in Es Showak (the Sudan), rather than establishing an additional Revolving Fund connected exclusively with the Sudan emergency. He added that the prefabricated houses would most probably continue to be needed after the emergency, since UNHCR was now moving staff from the Field Office in Gedaref to Es Showak. He trusted that the Executive Committee would be able to approve the increase of the working capital of the Fund to a ceiling of \$3 million as requested in document EC/SC.2/28.

44. In his response to comments on the report of the Joint Inspection Unit, the Director stated that with the benefit of hindsight, UNHCR could have provided more complete replies on some points. He noted that the level of UNHCR response to the report was a reflection of the many and sometimes overwhelming reporting obligations the Office was confronted with. On decentralization and delegation of authority, the Director noted that the UNHCR structure was reviewed in 1981 and was embodied in a UNHCR Manual setting out the functions and responsibilities of all offices and categories of officers at headquarters and in the field. Delegation to the field could certainly be strengthened; the conditions were the will to delegate at one end and the capacity to use delegated authority at the other. With respect to the post of Co-ordinator for South-East Asia, the Director recalled that the High Commissioner had decided to discontinue the post but not the function; the latter was now being carried out by the Head of the Regional Bureau for South and South-East Asia, who, as a result, had to undertake extensive travel, probably to an extent greater than that of other Heads of Regional Bureaux. Taking staffing constraints into account, this continued to be, in the view of the High Commissioner, the best formula for performing this role. In connection with this statement, one speaker wondered whether the staff member concerned would be able to perform both his regular tasks and that of Co-ordinator properly, particularly in the light of the restrictions imposed on travel.

45. One speaker wondered about the difference between the figure of 1,070 posts quoted in the United Nations proposed programme budget and that of 1,076 posts indicated in table VI of document A/AC.96/657. In his reply, the Director explained that the proposed programme budget had been prepared in late 1984, i.e. prior to the Executive Committee's approval of six additional posts in January 1985.

This difference had no impact on the United Nations regular budget, since the six posts were all funded under voluntary funds.

46. One speaker requested information on the number of consultants employed by UNHCR and the amount budgeted for 1985 for consultancies. He was informed that an amount of \$1,099,000 was budgeted for consultancies in 1985, most of which was related to short-term expert work, feasibility studies and specialized reports.

47. One speaker queried the inflation factor of 11.5 per cent applied to the 1986 estimates for field locations, since other United Nations agencies were using much lower figures. In response, the Director explained that the inflation factor of 11.5 per cent for 1986 was a weighted average based on estimated inflation factors calculated for each individual country. He noted that the United Nations regular budget for 1986-1987 contained a 10 per cent inflation factor in 12 field locations. The percentage of 11.5 had been calculated according to computerized budgetary techniques: if it proved to be too high, it would be adjusted accordingly in the 1986 revised estimates.

48. In reply to a query raised by one speaker, the Director informed the Sub-Committee that, of the five trainees, two had been posted to the field while the other three continued their training at Headquarters and were expected to be posted to the field in the near future.

Voluntary funds accounts for 1984 and report of the Board of Auditors (item 3 (a) of the agenda)

49. Several speakers expressed concern at the observations made by the Board of Auditors in their report (A/AC.96/656). The issues mentioned were inadequate budgetary control, cash management, accounting control, procurement, deficiencies in the management of project activities and in reporting, as well as fraud. All asked that UNHCR should take immediate action and follow the recommendations made by the auditors. Speakers underlined the urgency of remedial measures, particularly in the light of current budgetary difficulties; the recruitment of staff competent in financial management should be encouraged and compliance with financial procedures should be a criteria in evaluation reports. One representative, supported by other speakers, proposed that the Executive Committee should ask the High Commissioner for a "compliance report" on measures taken by his Office in order to implement the recommendations of the auditors. Various delegations recommended that training in financial management be given priority attention. It was stated that UNHCR should correct weaknesses identified by the auditors, particularly in regard to expenditure control, otherwise this would hinder its fund-raising efforts. One speaker noted that the reduction of carry-over from 1984 to 1985 was in itself a positive development in that it reflected a higher programme implementation rate.

50. In response, The Director of Administration and Mangement assured speakers that UNHCR shared their concern at the weaknesses identified by the auditors and had already started to take remedial action. He pointed out that training was essential and seminars on financial and budgetary control had been held to this effect in field locations in recent years. Lately, the High Commissioner had drawn the attention of representatives in the field to their personal responsibility in this regard. Furthermore, an Audit Committee functioning under the chairmanship of the Deputy High Commissioner had established guidelines for courses of action on the basis of an appraisal of the comments of the internal or external auditors.

Although difficulties were inherent in the world-wide scope and nature of UNHCR activities, further efforts were needed to strengthen the Office's performance in this area. Corrective measures were being carried out and the External Auditors would be informed of this progress during their next visit in October, when UNHCR would continue to offer them maximum collaboration and facilities. The Director had taken note of the critical comments made by various speakers and of the need to provide more complete and detailed responses in future reports.

UNHCR approach to improved programme delivery and to project evaluation (item 5 of the agenda)

51. The Director of Assistance introduced this item by recalling that, since 1982, UNHCR has been able to propose each year a substantial reduction under General Programmes. Coming after the major emergency programmes of the late 1970s and early 1980s, these reductions reflected both the adjustments required as a result of the stabilization of several major refugee influxes and the need to take account of actual programme delivery capacity. The reductions had resulted from a greater realism and a more stringent procedure for project review and approval rather than from any actual curtailment of activities. By contrast, unprecedented austerity measures were applied in formulating the revised programme for 1985 and the budget proposals for 1986. For the first time, therefore, the Executive Committee was being asked to approve a reduction of appropriations in relation to actual expenditure in the previous year.

52. The Director reviewed three main issues as seen against the background of the substantial projected shortfall in the funding of assistance programmes. Firstly, he emphasized the absolute necessity of vigorously pursuing the shift of emphasis towards durable solutions. If UNHCR, for lack of the necessary resources, had to suspend certain assistance activities, the axe would be likely to fall more on services and infrastructure linked to durable, medium-term solutions than on activities designed to ensure the immediate survival of refugees. Secondly, the Director explained the need to reassess the validity of some of the assumptions applied in drawing up the 1985 and 1986 budgets. One main assumption was the number of recipients of assistance, where an average figure had to be adopted; actual increases of certain refugee populations above projected totals would mean that some essential services could no longer be maintained unless adequate funding was forthcoming. Lastly, the Director described the measures already taken by UNHCR to curb expenditure in connection with assistance projects and the likely consequences of the more restrictive measures that would have to be introduced if the financial situation did not improve.

53. The Director stated that, given the scale of the current deficit, UNHCR had now been obliged to impose a complete freeze on any new funding commitment for assistance operations. Unless new and substantial contributions were forthcoming, UNHCR would no longer be in a position to honour all the projects for which agreements had already been signed. In addition, the UNHCR Procurement Unit had been instructed to stop ordering any goods which were not directly linked to the immediate survival of refugees.

54. The Director hoped these severe restrictions could be lifted very soon since, if continued beyond a few weeks, they would jeopardize not only many efforts to achieve durable solutions but also the very welfare of substantial numbers of refugees. To remedy this situation, it would be necessary to increase the resources made available to UNHCR. Vigorous efforts should moreover be pursued to

make all possible savings, for example by urging the implementing agencies to assume responsibility for a larger proportion of project financing or by promoting the substitution of certain expensive local purchases by donations in kind or international procurement.

55. Several speakers expressed their appreciation of the detailed review given by the Director and noted with concern the implications of the current funding shortfall. On the subject of evaluation, one speaker suggested that criteria be defined which would assist in the design and the evaluation of projects, and this suggestion was taken up by other speakers. Various suggestions were made for strengthening the evaluation function and activities and in particular for more in-depth evaluation activities and evaluation of country programmes. Several speakers emphasized that UNHCR should not be confined, as a consequence of the current financial crisis, to mere relief activities; UNHCR should be provided with the means to conduct activities leading refugees towards self-sufficiency and durable solutions. Some representatives expressed regret that the General Programme for Africa had had to be substantially reduced in the revised proposals for 1985 and in the proposals for 1986.

56. Another speaker suggested that, in the perspective of funding constraints, and in order to enable UNHCR to be as responsive as possible to the requirements of refugees, an order of priority be established for UNHCR assistance activities for 1986, with inputs from interested delegations, to be reported to the informal meeting in January 1986. He asked for continued emphasis to be placed on durable solutions and further proposed that multi-year budgets be established as appropriate for specific sectors, particularly in relation to durable solutions, while actual approval of budgets would continue to be given on an annual basis. He hoped that in January 1986, recommendations would also be made for more qualitative content and longer-term perspective in UNHCR programmes, to be reflected later in the next report on assistance activities, as well as improved mechanisms for the collective review of this information. He suggested that contingency plans be developed to reduce the possibility of increased deficits and indiscriminate cuts.

57. Several speakers were in favour of the Executive Committee establishing an order of priorities, while a number of other speakers expressed their reservations about the proposal. One representative said that only UNHCR could establish priorities within the programmes; the Executive Committee did not possess the detailed knowledge required to make day-to-day decisions which could also provoke endless debate. In his view, the Executive Committee could set up general priorities between self-sufficiency and care and maintenance activities; it would then be up to the High Commissioner to define specific priorities in the programmes. One representative stressed that this should be done in consultation with the Governments of the countries of asylum. Another speaker said that defining priorities was not in accordance with the usual working procedure of the Executive Committee; there were technical factors to be considered and the criteria for what was to be given priority were very difficult issues which would give rise to very long and complicated discussions. It would inevitably affect the work of the Executive Committee, to the extent that no agreement could be reached for approval of the General Programmes.

58. In response to the suggestions on establishing criteria, the Director of Assistance commented that the suggestions covered criteria relevant to the verification of project objectives, to standards of assistance and to specifications for procurement. Standards and criteria did exist; there were gaps,

as observed in evaluation reports, but these were exceptions rather than the rule. As for project evaluation, the Director appreciated the support expressed for strengthening this function. The Evaluation Unit had been doubled from one Professional officer to two and even this complement was not enough. Priorities were set for their work and the output was remarkable; the unit had also conducted an evaluation on the Sudan Emergency Programme which unfortunately was too recent to include in this year's report. In response to the concern expressed by some speakers regarding what they believed to be a decline in support for programmes in Africa, the Director explained that when both General and Special Programmes were considered, the overall level of UNHCR activities in the region had not declined. (In relation to this comment, one speaker subsequently cautioned against taking General and Special Programmes together, since their objectives were different and Special Programmes could not make up for shortfalls in General Programmes.)

59. Regarding the setting of priorities, the Director described the process by which UNHCR General Programmes were originated in the field, then examined by regional sections and bureaux, referred back to the field and then carefully reviewed in the Assistance Division. Throughout, scrupulous attention was paid to applicable standards and to priorities before submission to the High Commissioner and eventually to the Executive Committee. Thus it was after a long and considered process that the proposed General Programmes for 1986 were refined into a balanced whole, reflecting only those activities of high priority. And then, of course, in managing the General Programmes, the High Commissioner had to set his priorities on a continuing basis.

Any other business (item 6 of the agenda)

60. The representative of the United States of America raised the subject of an external programme audit which he thought would be beneficial to the refugee programme and would fill information gaps not covered by the traditional finance-oriented audits. Following recent legislation, government contributions from his country to UNHCR after 1 June 1986 would be subject to the conduct of an independent programme audit. He therefore wished to introduce this subject during the Sub-Committee's deliberations. He was sure that the UNHCR secretariat was already aware that the United Nations Board of External Auditors had the authority to engage independent firms.

61. One representative said that his initial reaction was that there were already controls in existence, such as the Board of External Auditors and the Joint Inspection Unit. He suggested that before coming to a decision there should be bilateral discussions between the country concerned and the Secretary-General. He also enquired whether it was within the competence of the Executive Committee to consider this proposal and whether amendments to the UNHCR Statute or other provisions were necessary. He hoped that the secretariat would be able to cast some light on the matter.

62. Another representative felt that the question should first be examined in respective capitals. As a major donor to UNHCR programmes, his country shared the concerns expressed. He felt, however, that UNHCR already had an established auditing and evaluation system, within the rules and regulations of the United Nations: the Board of External Auditors, composed of three independent external auditors, the Joint Inspection Unit and the internal UNHCR Evaluation Unit. The proposal presented should be examined carefully to ensure that a further independent programme audit would not be a duplication of efforts already made

elsewhere. He requested that the UNHCR secretariat explain to the present meeting the mandates of both the Sub-Committee and the Executive Committee. His views were echoed by a later speaker.

63. Another representative stated that, although a modest donor to the Office's programmes, his Government felt that the cost/benefit ratio of such an undertaking had to be carefully studied and the evaluation criteria already established thoroughly reviewed, before any major changes were made to the present system of auditing. In view of the present period of austerity, any costly duplication of controls should be avoided. He was open to any discussion that would lead to improvement and felt that other organizations should be approached to examine the methods they employed.

64. The Director of Administration and Management suggested that the information he could provide on the legal aspects raised would not be exhaustive but he hoped that it would lead to clarification of the situation. He referred to the following texts:

- (a) UNHCR Statute (annex to the General Assembly resolution 428 (V) of 14 December 1950): articles 21 and 22;
- (b) Report of the Board of Auditors to the General Assembly (text reproduced in document A/AC.96/656), in which the first paragraph referred to article 22 of the UNHCR Statute;
- (c) "Financial rules for voluntary funds administered by the High Commissioner for Refugees, adopted by the Executive Committee and the General Assembly of the United Nations" (A/AC.96/503/Rev.2): articles 1.1, 11.4, 12.1;
- (d) General Assembly resolution 1166 (XII) of 26 November 1957, requesting the establishment of an Executive Committee of the High Commissioner's Programme;
- (e) General Assembly resolution 37/196, paragraph 5, of 18 December 1982;
- (f) Article XII (External Audit) of the Financial Regulations and Rules of the United Nations (with special reference to article XII (6) and XII (9)).

65. He felt that the above points of reference would help explain the scope of competence of the Executive Committee, which in any event could always make recommendations to the relevant United Nations organs. He added that UNHCR was part of the United Nations and received funds from the United Nations regular budget. As such UNHCR was subject to the United Nations provisions concerning external and internal audit and close co-ordination was thus required on this matter with the Secretary-General of the United Nations.

66. The representative of the United States took note of the positions expressed by other representatives and of the clarifications given by the secretariat. At the request of the Chairman, copies of the texts referred to by the Director of Administration and Management were distributed to the representatives for further study.