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### EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Fifty-fifth session

#### SUMMARY RECORD OF THE 585th MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 7 October 2004, at 10 a.m.

Chairman: Mr. ESCUDERO MARTÍNEZ (Ecuador)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE HIGH COMMISSIONER, GUEST SPEAKER AND  
GENERAL DEBATE (agenda item 4) (continued)

1. Mr. PAIVA (International Organization for Migration (IOM)) said that IOM was strengthening its involvement in international migration law with a view to establishing a comprehensive framework for migration management. Through the joint Action Group on Asylum and Migration, IOM and the Office of the United Nations High Commissioner for Refugees (UNHCR) were cooperating successfully on matters of mutual interest and were strengthening their operational partnership. The Geneva Migration Group was also making good progress in exchanging information on migration-related issues and helping to build synergies among agency partners and identify opportunities for closer cooperation.
2. Mr. PRADESHI (United Nations Development Programme (UNDP)) stressed that the successful integration and reintegration of displaced populations was predicated upon recognition of the needs and rights of those populations and of the communities to which they returned. Post-conflict needs assessments took full account of those needs and rights and had been carried out in Liberia and Haiti. Guidelines had been finalized to assist country teams in including the needs and rights of internally displaced persons in the Common Country Assessment and the United Nations Development Assistance Framework and UNDP had continued to operationalize partnerships with United Nations agencies and others.
3. UNDP was contributing to the development of a holistic, comprehensive, community-based reintegration strategy in the Sudan, focusing on refugee protection, security and long-term stability. In Sri Lanka, it was helping returnees in three communities, while the transition support teams piloted in three districts of Sierra Leone would soon be introduced throughout the country to assist the local authorities with the delivery of social services. UNDP was collaborating on local development initiatives for returnees from Djibouti and was helping the Afghan Government to build its capacity to deal with returnees and internally displaced persons and find durable solutions for them. In Liberia, it had developed excellent partnerships for community-driven development and in Burundi it was supporting mechanisms for early integrated planning. In the northern Caucasus, it was using its expertise in governance, capacity-building, economic recovery, justice and security and community-based development to devise holistic approaches to the refugee and other displacement issues in that area.
4. UNDP was grateful to donors for their support, but more resources would be needed if the Millennium Development Goals were to be met in countries with refugee populations and durable solutions were to be found for the millions of internally displaced persons around the world.
5. Mr. PALWANKAR (International Committee of the Red Cross (ICRC)) said that humanitarian actors faced a daunting challenge as conflict situations became more and more polarized and radicalized. There was a perception that humanitarian organizations were being exploited by belligerents to promote a broader political and military agenda, forcing those organizations to take vigorous action to defend the values of neutrality and independence that

underpinned their work. It was vital to make sure that humanitarian action was and was perceived to be impartial and independent. ICRC could not, therefore, subscribe to approaches that integrated political, military and humanitarian tools.

6. At the same time, most conflict situations could not possibly be addressed adequately by any one organization: cooperation was needed to optimize resources and the returns for beneficiaries. In that regard, ICRC enjoyed excellent cooperation with UNHCR on such issues as defending the humanitarian nature of asylum situations and identifying the applicable legal framework. It had signed new agreements to facilitate exchanges of information, knowledge and resources with the World Food Programme (WFP) and had finalized a study on customary rules of international humanitarian law with a view to strengthening the protection of victims, particularly in non-international armed conflict.

7. Mr. HUNLEDE (International Federation of Red Cross and Red Crescent Societies (IFRC)) said that his organization welcomed the strong support that UNHCR was giving to IFRC and the Chadian Red Cross. He hoped that donors would give generously to the appeal launched for its operations in Chad, where most of the refugees did not live in camps and where those who bore the burden of caring for them found it difficult to mobilize support and assistance. UNHCR and other agencies should raise the profile of the work they did outside camps, where conditions were often safer and healthier and where it was less likely that the refugees would become dependent or that the refugee situation would be unduly protracted.

8. Ms. VERZUU (United Nations Volunteers (UNV)) paid tribute to the 600 United Nations volunteers who had served with UNHCR in 2004. In times of emergency, UNV could deploy resources from a vast pool of talent, while it also had the flexibility to provide longer-term assistance on a community basis. The number of United Nations volunteers serving the UNHCR continued to grow each year, with nearly 3,000 volunteers having served in the past six years, accounting for more than 10 per cent of the total UNHCR workforce.

9. Together with UNHCR, UNV had made real progress in implementing the recommendations concerning their partnership produced by the Office of Internal Oversight Services in its 2002 audit. Focal points had been established and UNHCR had developed policy guidelines on the use of United Nations volunteers and on the framework for its partnership with UNV.

10. Mr. SCHENKENBERG VAN MIEROP (International Council of Voluntary Agencies), speaking on behalf of a wide range of non-governmental organizations (NGOs), condemned Italy's recent deportations of asylum-seekers to the Libyan Arab Jamahiriya, which was a particularly worrying development given that country's record on the detention, refoulement and deportation of migrants. Equally worrying, were the recent plans of a number of European Governments effectively to cordon off the Mediterranean to asylum-seekers and migrants and to keep them in processing centres in North Africa. Such plans severely undermined the international refugee protection regime and were a flagrant breach of established principles of international burden-sharing and solidarity. There was a compelling need, therefore, to ensure that effective protection was based on international human rights standards and was linked to the search for durable solutions.

11. Non-governmental organizations were concerned that anti-terrorist campaigns had seriously undermined human rights and refugee law, offering a pretext for violations by States of their obligations under international law. They were also concerned about the growing number of integrated United Nations missions, since they blurred the lines between humanitarian action and political objectives. With regard to internally displaced persons, UNHCR should develop a more consistent policy and consult more effectively with its partners on areas of operational responsibility. The Executive Committee's focus on the issue of food security was welcome, but rations should not be used to force refugees to return. In spite of the commitment made by UNHCR to gender and age mainstreaming, there was a lack of reporting on those issues: women and refugee children should be the subject of a special focus on a biannual basis. While NGOs welcomed the proposed expansion of resettlement programmes, such programmes should be based on the principle of resettling those in greatest need and should not be used to select refugees on the basis of non-protection criteria.

12. Mr. KARKLINŠ (Observer for Latvia) expressed disappointment that the representative of the Russian Federation had used the panel discussion on stateless persons to raise a matter entirely unrelated to the protection of stateless persons and to the mandate of UNHCR. The persons referred to by the Russian representative were by no means stateless persons within the meaning of the 1954 Convention relating to the Status of Stateless Persons, but had been given the privileged status of "Latvian non-citizens". Latvian non-citizens enjoyed all human rights and freedoms and could acquire Latvian nationality, as increasing numbers of them were doing. They had permanent residence status, were issued with Latvian identity and travel documents, enjoyed Latvian diplomatic and consular protection abroad and were not regarded as stateless persons either by Latvia or by UNHCR. There were in fact less than 20 stateless persons in Latvia.

13. The CHAIRMAN, summing up the general debate, said that the fact that the number of persons of concern to UNHCR had fallen to its lowest level in 10 years had sounded a positive note in the debate at the current session of the Executive Committee. Many delegations had welcomed the voluntary repatriation operations that had taken place thanks to the concerted efforts of UNHCR and States. However, the global figure of 17 million refugees worldwide remained unacceptably high and the numbers of refugees in some countries had increased dramatically. Many host States had reminded the Executive Committee of the intolerable burden they faced and had appealed for continuing international assistance.

14. The crisis in Darfur had cast a deep shadow over the session. Many delegations had noted with regret that the international community had been slow to respond to the crisis, although some progress had recently been made in providing the victims with relief. The delegations had welcomed the presence on the ground of UNHCR staff and African Union monitors and had expressed appreciation for the efforts of the Emergency Relief Coordinator and other agencies. While pledges of international support for that work were welcome, the only durable solution was a cessation of the atrocities and a peaceful solution to the situation.

15. The Executive Committee had strongly condemned the massacres at Gatumba camp in Burundi in 2004 and one delegation had urged that measures be taken to improve camp security by dealing with the problem of the circulation of small arms. The Executive Committee had also

deplored the continuing acts of brutality against women and children and had urged UNHCR to act on the recommendations emerging from evaluation reports on the situation of refugee women and children.

16. Food security had been an important topic in the debate. The Executive Committee was gravely concerned about the steady decline in WFP food stocks and the disruption that that could cause to the supply chain. Regular food supplies were vital both in emergency and in post-conflict situations and donors should take urgent steps to avoid gaps in food distribution, by, for example, increasing the WFP donor base and making greater use of local sources of food.

17. Protracted refugee situations posed a serious operational challenge. One delegation had used the term “warehousing” to describe the situation of refugees living for extended periods in camps; another had called for a framework that embraced protection and empowerment - two key elements of the UNHCR mandate. The Executive Committee had welcomed the use of the 4Rs approach in post-conflict situations and had given examples of situations in which that approach could facilitate sustainable reintegration.

18. A large majority of delegations had expressed their support for the High Commissioner’s Convention Plus initiative, not least because of the challenges posed by protracted refugee situations. Convention Plus had been seen against the backdrop of implementing the Agenda for Protection. A number of delegations had stressed the value of multilateral, sectoral agreements designed to foster international solidarity and share burdens and responsibilities. Nevertheless, it was important to make the transition from conceptual frameworks to practical applications, and the comprehensive plans for Afghan and Somali refugees would be important tests for the Convention Plus approach.

19. Many delegations had welcomed the recent Multilateral Framework of Understandings on Resettlement as a durable solution and a protection tool, and there had been numerous calls for States members and UNHCR to increase the number of resettlement opportunities. To be fully effective, however, resettlement must be part of a comprehensive approach.

20. On the subject of partnership, many delegations had welcomed the efforts undertaken by UNHCR to deepen its relationships with other stakeholders dealing with refugee issues, especially within the NGO community. Among other things, such partnerships should focus on improving the collaborative approach for internally displaced persons. The contributions made by UNHCR in the Inter-Agency Standing Committee had been noted with appreciation. Another area of special focus mentioned by some delegations was the asylum-migration nexus and the dialogue and coordination maintained by UNHCR with key stakeholders in that area. Many had commented on the recently forged partnership between UNHCR and the Joint United Nations Programme on HIV/AIDS (UNAIDS). Attention had been drawn to the importance of specific regional initiatives to identify solutions to refugee problems in Africa, Europe and elsewhere. Such solutions also addressed the root causes of population displacement, such as poverty.

21. It had been encouraging to learn that UNHCR did not expect a financial shortfall during the current year. Several delegations had urged UNHCR to move more resolutely from resource-based to needs-based budgeting and to introduce results-based management. The recommendation by the Joint Inspection Unit (JIU) that UNHCR should adopt a biennial budget cycle had also been noted and would be duly considered.

22. The Executive Committee had praised the commitment of staff and the courage of those working in difficult field conditions. Their security, and that of all humanitarian workers, must remain a top priority. Some delegations had commented on the new human resources policy being implemented by UNHCR. The outcome of the new policy should be to improve the quality of the staff deployed by UNHCR, the speed of their deployment and the support they received in the field. States members had also been pleased to learn of the recent appointment of a senior adviser on gender. The proposal to create the post of an Assistant High Commissioner for protection had attracted many comments, and would be discussed further in the coming months.

#### REPORTS ON THE WORK OF THE STANDING COMMITTEE (agenda item 6)

(a) INTERNATIONAL PROTECTION (A/AC.96/965/Add.1, 988, 989, 998 and 999)

23. Ms. FELLER (Director, Department of International Protection), introducing the note on international protection (A/AC.96/989), said that the general protection situation over the past year had been mixed. On the one hand, States had voiced their concerns about the high cost of hosting refugees and asylum-seekers and their anxiety about national security issues. Many States had sought to crack down on abuses of the asylum system and to contain irregular movements and people-smuggling. On the other hand, an increasing number of Governments had demonstrated a willingness to work cooperatively to improve the quality and accessibility of protection and to promote solutions as a shared responsibility. The Agenda for Protection and the Convention Plus concept had been embraced with hope and enthusiasm.

24. In addition, a number of States had given valuable material and other support to UNHCR, thereby underpinning its protection activities and staff capacity in the field. With a sense of cautious optimism, UNHCR had witnessed a decline in global refugee numbers, while at the same time the number of States parties to important protection instruments had increased.

25. Physical security was a perennial, and indeed worsening, problem for refugees. For many, a protracted stay in unsatisfactory conditions was the norm. Efforts to assist and protect the victims had been seriously compromised by the direct targeting of humanitarian personnel through violence and assassination. Other continuing problems included military attacks on refugee camps, the use of camps by combatants for rest and recreation, the separation and forced recruitment of children into armed forces, rape, arbitrary detention and refoulement.

26. The purpose of the 1951 Convention relating to the Status of Refugees was to identify the basic rights jeopardized by persecution and to confer an entitlement to protection on persons who would otherwise be exceptionally vulnerable because they were temporarily outside the normal framework of State protection. UNHCR was alarmed that recent debates on asylum in some countries had confused the "refugee problem" in an abstract sense with the day-to-day problems faced by refugees. UNHCR had focused its advocacy efforts on reminding States that refugees were people, not statistics or global trends. Their protection was a humanitarian necessity, not a policy choice. Of course the Office recognized that irregular migration was a matter of great concern for many States, but it should be clearly understood that refugees were not migrants in the conventional sense. Refugee protection involved a special set of rights and duties that were in danger of being eroded if the asylum debate was viewed solely or principally in terms of legal

or illegal migration. Likewise, UNHCR had noted with mounting concern that international crime and terrorism had affected States' willingness to receive refugees. In fact, genuine refugees were themselves fleeing persecution and violence, including acts of terrorism. They were not the perpetrators of such acts. Another disturbing misconception was that international refugee instruments somehow guaranteed a safe haven for terrorists, whereas in fact they specifically denied international protection to criminals and terrorists. While it was true that a small minority of refugees and asylum-seekers might have links with crime and terrorism, that was no justification for damning the majority by association. To equate asylum with a safe haven for terrorism was not only legally wrong and unsupported by the facts, but also vilified refugees in the public mind and encouraged racial and religious discrimination.

27. During the past year, certain States had, in essence, informed UNHCR that its protection mandate did not extend to their territory. In response, UNHCR had indicated that there were no geographical limitations on its mandate. Its role was to inform, advise and provide operational assistance, and the provision of information and guidelines on major asylum situations was a protection function that States and NGOs expected UNHCR to perform. Consequently, UNHCR always encouraged Governments to pursue policies and make decisions that would yield appropriate solutions. Its advice was impartial and based on publicly available information from reliable sources, as well as from first-hand interviews with asylum-seekers. Such information-gathering could not and should not be construed as interference in a particular country's internal affairs.

28. Some explanation was needed on the concept of international protection, which was increasingly being used by States as a means to shirk their responsibilities towards a particular refugee or asylum-seeker because the person in question had found or might be expected to find protection in another State. For UNHCR, effective protection meant quality protection. Protection should be regarded as adequate only if the risk of persecution, refoulement or torture was non-existent; if there was no actual risk to a person's life; if a genuinely accessible and durable solution was in prospect; if a person was not exposed to arbitrary expulsion and deprivation of liberty, and had an adequate and dignified means of subsistence; if family unity and integrity was preserved; and if specific protection needs (such as those arising from age or gender) were recognized and respected. The 1951 Convention was more concerned to ensure a certain standard of protection rather than to ensure that protection was available in a particular country. On the related question of interception, UNHCR did not believe that the creation of "safe zones" or "protection areas" was an appropriate response to irregular migration. The ideal solution in such cases was an effectively managed system based on multilateral cooperation and equitable sharing of responsibilities. Unilateral responses that simply shifted burdens without addressing the underlying problems should be avoided.

29. With specific reference to the work of the Department of International Protection over the past year, strong support for the Protection Surge Capacity Project had enabled UNHCR to respond rapidly to specific protection needs by deploying 61 protection officers, almost half of whom were women. A series of protection management workshops had been instituted to improve protection delivery, for example by creating a common understanding among senior management of the concept of protection management, assisting managers to tackle cases of fraud and malfeasance and facilitating the implementation of the Agenda for Protection. Pursuant to the requirement that UNHCR should develop intensified training and in-house capacity-building, as stipulated by the Agenda for Protection, the Department had offered

UNHCR staff a greater variety of protection learning opportunities, for example on the themes of armed conflict and migration, refugee status determination and resettlement issues. Procedural standards for refugee status determination had been field-tested and circulated for initial implementation. The Department had also undertaken a concerted analysis of refugee status determination in the context of UNHCR global protection strategies with a view to identifying scenarios in which status determination might not be the most appropriate response. The number of States parties to the 1954 Convention relating to the Status of Stateless Persons had increased to 57 following recent ratifications by the Czech Republic and Uruguay, and Liberia and Lesotho had acceded to the 1961 Convention on the Reduction of Statelessness. The Department of International Protection had particularly focused its attention on situations of protracted statelessness.

30. One of the objectives of the Agenda for Protection was enhanced cooperation to strengthen protection capacities in refugee-receiving countries. UNHCR had pursued that goal, inter alia through specific projects aimed at reinforcing protection capacity in selected countries. The projects were based on the identification of gaps and needs, with a strong emphasis on dialogue between the various stakeholders involved. Another example of a fruitful partnership was the growing cooperation between UNHCR and the Inter-Parliamentary Union (IPU). The Office had helped IPU to organize a regional parliamentary conference on refugees and durable solutions in Africa, which had resulted in a regional parliamentary plan for the continent. The UNHCR-IPU handbook for parliamentarians on refugee law was now available in 30 languages, and the next edition, which was due in 2005, would focus on statelessness and citizenship issues. Judicial capacity-building had been boosted by cooperation with the International Association of Refugee Law Judges, which had resulted in a recent training session on refugee law for judges in Georgia. The ongoing partnership between UNHCR and the NGO community was particularly valuable. Some notable achievements in the past year had been the launch of a protection learning programme for NGO partners and the appointment of specially designated protection officers in some NGOs.

31. Global management and planning had been improved in the area of resettlement. Resettlement needs for 2005 had already been projected and a global resettlement planning table had been developed to match resettlement needs with resettlement country targets or quotas. However, the usefulness of such an exercise was dependent on early, detailed input from resettlement countries, and many contributions were still outstanding. In addition to resettlement on an individual basis, certain groups of African and Middle Eastern refugees had been processed for resettlement using a newly developed "group methodology", which had proved to be effective. The Department was continuing to watch out for fraud and malfeasance in the resettlement process, and accordingly had developed an anti-fraud plan of action. UNHCR wished to thank Australia, Norway and Sweden for having increased their resettlement quotas in the past year, and Australia, Canada, Norway, the United Kingdom and the United States for providing the Office with special contributions for resettlement that had enabled UNHCR to fund additional posts, the deployment scheme and training activities.

32. Lastly, after a somewhat arduous process, the Executive Committee had been able to agree on three conclusions on protection. The conclusion on international cooperation and burden and responsibility sharing in mass influx situations was a good starting point for reaffirming certain core principles that should apply in such situations. The conclusion on legal safety issues in the context of voluntary repatriation of refugees had broken new ground,



particularly with regard to the property rights of returning refugees. It was important to stress that the conclusion was in no way intended to raise obstacles to return; it simply aimed to ensure that repatriation was a sufficiently viable solution. The general conclusion on international protection contained some very valuable thoughts on statelessness.

33. Mr. STICKINGS (United Kingdom) said that the Agenda for Protection set out clear and helpful goals for UNHCR and States to work towards, and his Government had recently completed a progress report summarizing its own contribution towards achieving those goals.

34. He applauded UNHCR on its achievements in 2004, particularly the success of voluntary repatriation and sustainable reintegration programmes. Voluntary repatriation remained the preferred durable solution but links must still to be forged between repatriation and the broader considerations of a secure, stable society. The 4Rs approach was an example of a coordinated method to ensure longer-term stability in a post-conflict community.

35. Resettlement had also proved an effective tool in efforts by UNHCR to resolve long-term refugee crises. While welcoming the news that resettlement procedures and controls had been strengthened, he observed that problems remained in some areas. The United Kingdom had recently provided US\$ 500,000 for resettlement activities in Africa, and he looked forward to the implementation of the approach advocated by Convention Plus to the strategic use of resettlement, which would complement those activities. Interest in assistance and protection in the European region had recently increased, especially in reaction to the European Commission Communication "Improving access to durable solutions". Convention Plus should act as a guide in the international debate on the genuine protection of refugees and the sharing of responsibility among all regions.

36. One of the issues that had emerged in the context of irregular secondary movements was the notion of effective protection. If protection was not effective, it was not protection at all. His Government was helping to fund two UNHCR projects to investigate protection capacity in Africa and looked forward to the implementation of its results. While welcoming the development of standards and indicators for protection in specific circumstances, he urged caution about trying to establish formal and generally applicable definitions of effective protection.

37. UNHCR would rightly be judged on its performance in protecting and supporting refugees. In that connection, he thanked UNHCR for helping to organize a visit by staff from the United Kingdom Department for International Development to see at first hand the operations in Guinea and Sierra Leone. He was pleased with the progress being made with the pilot project on gender and age mainstreaming and looked forward to the outcome of its workshops and work plans. Prior to the project there had been many UNHCR-supported local activities to increase women's empowerment and to counter gender-based violence, but little was known about their effectiveness. An impact assessment of some of those activities would be a useful learning exercise. The visit had highlighted the hard work of UNHCR staff in very difficult circumstances but had also demonstrated that problems remained with regard to management and standards.

38. The accurate registration of refugees was a core activity that was vital to the protection mandate of UNHCR. Unfortunately, offices in the field often did not have sufficient resources to ensure swift and effective registration. In Guinea, for example, there were large numbers of unregistered refugees both inside and outside camps. Moreover, while it was the responsibility of member States to provide financial support for such operations, UNHCR must recognize the need to have sufficient staff in the field to cope with the workload and should plan accordingly. His Government had agreed to fund part of the Protection Surge Capacity Project to provide additional field protection staff from the beginning of 2005 and welcomed the news that the activity was to be funded through the annual budget. However, optimum protection for refugees required not only more resources but also better coordination between field offices and headquarters, as well as greater consistency in the application of standards in all its work.

39. He expressed concern about some aspects of UNHCR relations with its implementing partners, including NGOs, which provided a wide range of invaluable services to refugees. It had been reported that the problems encountered two or three years previously with NGO contracts were recurring. For instance, NGO partners in Guinea had for the second year running been informed late in the financial year that their budget had been cut by some 20 per cent. He appreciated that much of the UNHCR budgeting had to be done before the funds were secured, but such incidents made it extremely difficult for partners to plan educational and other programmes.

40. Mr. LEBEDEV (Russian Federation) agreed with the Director of the Department of International Protection that there was a tendency to criminalize refugee status. The practice of according refugee status to persons with links to terrorists undermined the confidence of those trying to combat terrorism and encouraged the spread of terrorism to other countries. Yet the practice continued, and some States and international organizations did not take the matter seriously enough.

41. He acknowledged the very important role played by UNHCR in providing guidance on issues relating to refugees and their international protection, not only in specific cases but also with a view to ensuring full compliance with the relevant international instruments. However, it was important to ensure that the information provided was as reliable as possible. Unfortunately, some information made available by NGOs was positively misleading, which merely complicated the assessment of certain situations. He therefore recommended that information from NGOs should be compared with that from other sources, including States bodies, before any conclusions were drawn.

42. Ms. POLLACK (United States of America) said experience showed that an international presence helped to protect refugees from physical harm, although it was no guarantee of safety. The United States had striven for several years to bolster the UNHCR protection presence in the field and therefore welcomed its expansion in 2004, partly as a result of the extra funds provided by her Government for additional protection positions and the introduction of the Protection Surge Capacity Project. Although the Project was not included in the 2005 annual programme budget, her Government would continue to provide direct support for the additional field positions in 2005 and hoped that by 2006 most of them would be funded from the regular

budget. However, the deployment of experienced UNHCR protection officers in the field during a crisis remained a major challenge. In that connection, her Government's disappointment regarding the operation in Chad was well known, although there had been some improvement in that situation.

43. All refugees and asylum-seekers required protection; however, they did not all face the same risks. Her delegation therefore welcomed the substantial progress made in identifying refugee vulnerabilities, finding ways to deal with them and budgeting for the programmes required and continued to support UNHCR efforts to address sexual and gender-based violence. Protection staff were important focal points on such issues as coordination with social, legal and medical services and should pay particular attention in future to protecting refugee girls effectively.

44. The members of armed groups or combatants who mingled with refugee populations should not receive protection. The international community must support host Governments in separating combatants from refugees in order to maintain the civilian and humanitarian character of camps. However, care must be taken not to label whole peoples as terrorists on account of the actions of some in their midst. In some countries of the Commonwealth of Independent States (CIS), political sensitivities and the lack of comprehensive refugee legislation had left ethnic Chechen refugees and asylum-seekers vulnerable to detention, deportation and other forms of harassment. She encouraged Governments in the region to take the necessary steps to remedy that situation.

45. It was also important that refugee protection should not be undermined by being extended to those who did not deserve it. She endorsed the appeal by the representative of Kenya for UNHCR to invoke the cessation clause for Rwandan refugees, given that the conditions prompting their flight no longer pertained. Nevertheless, as always, individual claims could still be heard.

46. Sometimes effective protection meant the resettlement of refugees not in the country of first asylum but in a third country. She was pleased to note the interest generated by the discussion paper on the strategic use of resettlement and called for a more visible role for refugee resettlement within UNHCR. As the world's leading refugee resettlement country, the United States was proud to have provided a new start to nearly 53,000 refugees in the past 12 months.

47. It was extremely important for refugees to be able to prove to the local authorities that their presence in a given country was legitimate. Moreover, the pursuit of durable solutions was greatly facilitated when accurate demographic information was to hand. She therefore advocated that UNHCR should continue to give high priority to its registration and documentation project known as "Project Profile".

48. In the past year, member States had learned a good deal about protection from, among other things, their work on the Agenda for Protection and the conclusion on legal safety issues in the context of voluntary repatriation of refugees. UNHCR staff, particularly locally hired staff, who had the most contact with refugees, also needed to understand protection. That was why her Government had funded a pilot induction programme for new protection and community services staff and welcomed the development by UNHCR of a compulsory computer-based

self-training module on the UNHCR mandate for refugee protection. As the same time, refugees needed to understand their rights if they were to protect themselves and their families. They must understand that they did not have to trade sexual favours or money for food, documentation or other assistance. It should be universal practice for signs to be posted to that effect in refugee camps.

49. As the sole agency with a specific mandate for refugee protection, UNHCR must play the lead role in that area. However, as implementing and operational partners played a crucial supporting role, she encouraged the Office to continue to share its protection expertise with other humanitarian agencies, and welcomed the fact that the Protection Learning Programme had been extended to include places for partners. UNHCR expertise in protection also applied to internally displaced persons. Its work on their behalf had been critical to the international community's efforts in Iraq, Colombia, the Sudan, Azerbaijan and the Russian Federation. Member States should recognize the unique mandate, experience and capacity of UNHCR to protect the victims of humanitarian crises and should urge it to share its expertise with Governments, operational partners and the refugees themselves.

50. Mr. JUMALIEV (Observer for Kyrgyzstan) said that since 1993 Kyrgyzstan had granted asylum to more than 20,000 refugees. There were currently over 6,000 refugees on its territory, mainly from Tajikistan and, to a lesser extent, Afghanistan. About two thirds of the asylum-seekers registered in the past year were from the Chechen Republic. The Department of Migration Services had been established to deal with applications from asylum-seekers, and all its activities were carried out with UNHCR support. Refugees in Kyrgyzstan were not confined in restricted areas.

51. In 2004, the Government had focused its efforts on seeking durable solutions to refugee issues and had devised a series of innovative programmes in cooperation with UNHCR. It attached great importance to integration, and provided refugees with assistance to ensure that they had access to accommodation, land for subsistence farming, education and employment.

52. Steps were being taken to deal with the problem of granting citizenship to Tajik refugees. More than 3,000 Tajik refugees had been granted citizenship after handing over their former Soviet passports. In order to simplify and speed up the procedure for granting citizenship, the Governments of Kyrgyzstan and Tajikistan had signed an agreement in June 2002, and the ensuing simplified procedure had been in operation since the relevant implementing regulations had been adopted in 2004. In that connection, he wished to thank UNHCR for its technical and financial assistance and local NGOs for their help.

53. Under a special project devised by the Canadian immigration authorities and the UNHCR office in Bishkek, three quarters of the Afghan refugees in Kyrgyzstan, many of whom had been living there for 10 years or more, had been allowed to emigrate to Canada. He stressed that Kyrgyzstan offered long-term refugees the possibility of acquiring citizenship and recommended that other States should do the same, as part of the burden-sharing referred to in Convention Plus.

54. The UNHCR office in Bishkek had headed a regional initiative to analyse the successes and failures in the protection of refugees and asylum-seekers since the Central Asian republics had gained independence, with a view to attracting more bilateral and multilateral donors. His

Government was preparing to host talks with other Central Asian States, interested parties and donors in 2005; a report on the outcome of those talks would be submitted to the Executive Committee at its fifty-sixth session.

55. In the past year, the Department of Migration Services had re-registered the refugees in Kyrgyzstan, identifying Tajik refugees and Chechen asylum-seekers in the process. It had found that several hundred Tajik refugees had left the country voluntarily, cutting the number of refugees by 9 per cent, while the number of Chechen asylum-seekers had fallen even further, by 35 per cent. The more accurate statistics would enable a better distribution of government resources to meet the real needs of refugees.

56. He observed that the current influx of migrants from Tajikistan was largely due to economic reasons and expressed concern that seven years after the signing of a peace treaty in Tajikistan, UNHCR had still not taken the lead in developing a unified approach to the problem of the flow of refugees sparked by the conflict in Tajikistan. He would be interested to hear the views of UNHCR on the possibility of invoking the cessation clause for Tajik refugees and hoped that the matter would be taken up by the Executive Committee at its next session.

57. Mr. ORR (Canada) said that his delegation welcomed the efforts being made by States and UNHCR to follow up the implementation of the Agenda for Protection, and encouraged members of the Executive Committee and NGOs to submit information on the domestic and international measures they had taken to implement the Agenda. His delegation also welcomed UNHCR efforts to address protection issues, particularly through increased staff training. Measures should be taken to raise staff awareness of the relationship between legal, physical and social protection. The recent evaluation of UNHCR operations in Chad underlined the need for a regular review of the location of protection posts.

58. His delegation shared UNHCR concerns about threats to the physical security of refugees and humanitarian staff, and deplored the continued instances of refoulement, forcible returns and arbitrary or widespread detention. It supported the more strategic use of resettlement as an effective tool to provide protection and welcomed the increased international attention that was being paid to durable solutions. Resettlement was a core activity and should be funded accordingly, since reliance on earmarked funding risked relegating it to the margins of UNHCR activities. Efforts should be made to raise the profile of UNHCR resettlement activities, both in the field and at headquarters. In that context, he looked forward with interest to the application of the Multilateral Framework of Understandings on Resettlement.

59. The Convention Plus initiative should be used as a basis for consultations to identify pilot projects involving a combination of durable solutions. His delegation supported the proposal for UNHCR to produce an annual review of protracted refugee situations, which would keep States informed and help them respond appropriately. The Executive Committee should perhaps pay more attention to local integration, while taking into account the individual capacities of developing host countries.

60. The Canadian Government had identified key issues to be improved in its domestic refugee protection programmes and would be addressing them after consultations with

stakeholders and UNHCR. His delegation reaffirmed its support for the UNHCR protection mandate and activities, and encouraged the Office to develop a comprehensive approach to the response to protection needs.

61. Ms. NIELSEN (Switzerland) said that the Agenda for Protection played an essential role in refugee protection but would only be considered successful when it had been implemented in specific projects developed according to the particular priorities of individual countries. She proposed that the table annexed to document EC/53/SC/CRP.10 should be updated, since that would enable States to monitor UNHCR operations in the field and take them into account in their own activities.

62. In order to implement the Agenda for Protection in Switzerland, a questionnaire had been sent to public and private organizations working on protection issues and to regional administration offices. The results had given the Government a better understanding of the protection services that were being provided and the needs of the organizations concerned at all operational levels. As a result, a directory of national assistance and consultation services was being drawn up to provide information for asylum-seekers, refugees and others in need of protection. A full analysis of the implementation of the Agenda for Protection was also currently under way.

63. She encouraged UNHCR to devote more attention to protection at both the planning and implementation phases of its operations. Her Government welcomed the steps taken to analyse weaknesses in international protection, since the results of such an analysis would help UNHCR to better target its protection activities. Lastly, she welcomed the three conclusions that had been negotiated during the current session of the Executive Committee.

64. Mr. BERGDAHL (Sweden) said that increased global and regional cooperation and responsibility-sharing were required in order to enhance international protection, particularly in mass influx situations. Wherever possible, the voluntary repatriation of refugees should be the preferred durable solution. It was important to improve legal safety conditions and strengthen international cooperation to make voluntary repatriation safe and sustainable. He therefore looked forward to the Executive Committee's adoption of a conclusion on legal safety issues in the context of voluntary repatriation. It should not be forgotten, however, that, despite the large number of voluntary repatriations in the past year, there were still over 17 million refugees who required assistance and protection.

65. His delegation attached great importance to efforts to make more strategic use of resettlement in conjunction with other solutions, in order to improve burden- and responsibility-sharing and alleviate protracted refugee situations. It welcomed the emergence of a few new resettlement countries and encouraged other States to follow their example. His Government took the view that all measures taken at the European Union level should be based on the comprehensive application of the 1951 Convention relating to the Status of Refugees. It believed that all protection measures should include an age- and gender-sensitive approach and supported all efforts to prevent and respond to sexual and gender-based violence. His delegation therefore welcomed the appointment of the Special Adviser to the High Commissioner on Gender Issues.

66. Mr. PRACHONPACHANUK (Thailand) said that his Government was working hard to improve asylum-processing in Thailand with the assistance of UNHCR, which had helped it to establish procedures and criteria for status determination and which would continue to be involved in asylum-processing in the country at both the determination and the appeal stages.

67. The reduction of statelessness resulting from cross-border migration would require international cooperation. At the same time, it was important to avoid making misleading generalizations claiming that statelessness affected entire categories of persons, such as the hill tribes people in Thailand, since the reality of the situation was complex. His Government understood the need for more work on the asylum-migration nexus and fully recognized the benefits of registration for migration management; it had consequently undertaken to register illegal migrant workers.

68. Mr. THIRD (New Zealand) said that the legislative changes required for New Zealand to accede to the 1961 Convention on the Reduction of Statelessness were under way, and the Government expected to be able to ratify the Convention in the near future. He called for a greater international response to the needs of countries of first refuge, transit countries and receiving countries, which should be encouraged to ratify the 1951 Convention relating to the Status of Refugees if they had not already done so.

69. His Government welcomed the establishment of the Multilateral Framework of Understandings on Resettlement and would continue to place priority on the use of resettlement as a tool for individual protection. Global resettlement opportunities should be broadened through the participation of countries that were not currently active in that regard, and UNHCR should provide increased support to resettlement initiatives.

70. Future integration policies in New Zealand would be based on the recently published results of a five-year research project into the challenges of local integration. The Government supported initiatives to determine fairly and promptly who was in genuine need of international protection, and valued the assistance of UNHCR in reviewing domestic refugee status decisions. Such assistance, coupled with the worldwide decline in refugee numbers, had resulted in a significant reduction in New Zealand's backlog of asylum applications.

71. The New Zealand Government continued to cooperate with other countries in the region to support the development of asylum legislation and processes for refugee status determination. Such measures were an important contribution to the management of mixed flows and the asylum-migration nexus. His delegation supported the proposed conclusion on international cooperation and burden- and responsibility-sharing in mass influx situations, and also supported efforts to find ways to address irregular secondary movements. He called on third countries to facilitate the transit of persons found not to be in need of international protection and urged countries of origin to readmit such persons.

72. Mr. WIJNEN (Netherlands) said that regional protection programmes should be based on the principle of burden- and responsibility-sharing, and should be developed in direct partnership with third countries and UNHCR. His Government was currently supporting UNHCR projects to improve capacity-building in some African countries and had recently signed an agreement

with UNHCR on a new financial contribution to improve access to protection and to promote durable solutions. It was the common responsibility of all States to solve refugee situations, by providing access to protection and durable solutions as close to home and at as early a stage as possible.

73. Mr. BARIMANI (Islamic Republic of Iran) said that voluntary repatriation was the most effective durable solution for refugees. His delegation welcomed the increased UNHCR budgetary allocation for 2005 for the repatriation of Afghan refugees, supported the 4Rs concept and considered resettlement to be a particularly important tool for protection. It welcomed the report of the Working Group on Resettlement, and hoped that the recently adopted Multilateral Framework of Understandings on Resettlement would lead to further benefits for refugee populations. His delegation was particularly satisfied with the proposed conclusion on international cooperation and burden- and responsibility-sharing in mass influx situations. Lastly, his delegation stressed the importance of refugee status determination; his Government had recently agreed to the request of UNHCR to review its domestic mechanisms for determining refugee status.

74. Mr. TOFT (Denmark) welcomed the increase in voluntary repatriation cases over the past year and said that his Government remained committed to working with States of origin to ensure that repatriation was sustainable. As registration was crucial to refugee protection and safeguarding the integrity of the global asylum system, he encouraged UNHCR to incorporate the use of biometric data into its registration system as soon as possible. His delegation advocated the strategic use of resettlement and the consolidation and diversification of the resettlement base. All resettlement partners, UNHCR, States and NGOs should actively engage in the identification of refugee situations that would benefit from the strategic use of resettlement. His Government welcomed the European Commission's proposal for a European Union resettlement scheme, and commended the work of the core group working on a multilateral framework for action plans with a resettlement component.

75. The generic understandings set forth in the Convention Plus initiative should be translated into action in the field, which would, in turn, provide experience on which to base future initiatives. In that respect, he welcomed the projects in Africa, led by UNHCR and funded by the European Union, which had led to the establishment of a plan of action for Somali refugees and several capacity-building initiatives.

The meeting rose at 1 p.m.