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

Forty-eighth session

SUMMARY RECORD OF THE 522nd MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 16 October 1997, at 10 a.m.

Chairman: Mr. SKOGMO (Norway)

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The meeting was called to order at 10.15 a.m.

ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued)  
(A/AC.96/882 and 887)

1. Mr. BASSIOUNI (Department of Humanitarian Affairs), speaking also on behalf of the Emergency Relief Coordinator, referred to the proposals for reform and, in particular, for the creation of an Office of the Emergency Relief Coordinator, currently before the General Assembly. The proposals had been discussed in the content of the Inter-Agency Standing Committee (IASC), which needed the support of all its members. The Consolidated Appeals Process was now regarded as the primary tool not only for resource mobilization, but also for strategic planning with a view to the coordinated provision of humanitarian assistance. With reference to IASC's recommendations pursuant to ECOSOC resolution 1995/96, he said that the lead agency concept was now a recognized option for strategic field coordination. Other recommendations were currently being revised and updated in the light of recent developments. The Emergency Relief Coordinator intended to remain in close contact with the governing boards of the various agencies, including the Executive Committee of the High Commissioner's Programme.

2. IASC was concerned about the serious situation in the Great Lakes region and, in particular, about the situation with which UNHCR was confronted in the Democratic Republic of the Congo. The conclusions to be drawn from that crisis were, first, that it was important to speak with one voice and to show solidarity with United Nations agencies facing a dilemma in situations where humanitarian principles and human rights were severely violated and, secondly, that early consultation with IASC and, if appropriate, the Executive Committee on Humanitarian Affairs (ECHA) prior to any decisions that might affect the work of other organizations would strengthen the system's ability to speak and act in unison.

3. We commended UNHCR on its repatriation work and stressed the importance of working with other organizations, most significantly UNDP, with a view to creating a bridge between UNHCR activities and longer-term rehabilitation and reconstruction. The conclusion of a memorandum of understanding between UNDP and UNHCR in Rwanda and elsewhere was a particularly encouraging step in that regard.

4. Mr. SCHLEIFFER (World Food Programme) said that UNHCR and the World Food Programme (WFP) had never before worked together as closely and successfully as they were doing at present. After outlining the significant features of the revised Memorandum of Understanding signed by both organizations in March 1997, he said that the key to the effectiveness of their joint efforts remained the pursuit of close cooperation and coordination coupled with full and timely information exchange and consultation, which had become particularly important at a time when both organizations were delegating significant levels of authority to their field managers. The relationship was further strengthened by the participation of UNHCR and WFP staff in each other's food and nutrition courses, as well as in emergency training courses. A joint task force was meeting regularly to monitor the implementation of the Memorandum.

5. The Great Lakes operation has been one of many examples of the constructive collaboration between WFP and UNHCR. Joint work plans had been drawn up at the field level at an early stage of the crisis and an array of innovative technologies and systems in such areas as radio data communications, computerized pipeline management and commodity tracking systems had been put in place. At the start of the new critical phase in the late autumn of 1996, coordination had been further strengthened by keeping communication channels open on a daily basis between the two headquarters and their field offices so that their response could be planned in a coordinated manner. In addition, under the auspices of the DHA Humanitarian Coordinator and in collaboration with UNHCR and UNICEF, WFP had established a United Nations Joint Logistics Centre in Kampala to provide overall management for logistics operations regionwide. As from 15 October 1997, WFP would be undertaking a joint "lessons learned" exercise with UNHCR and UNICEF in order to examine and appraise the effectiveness of the Great Lakes emergency operation and, in particular, the modalities of field coordination among the three agencies.

6. Experience of the first six months of the implementation of the revised Memorandum of Understanding had already demonstrated the value of defining more clearly the roles and responsibilities of WFP and UNHCR and of stressing the interdependence of their activities. WFP was confident that such positive collaboration would yield concrete results and help to improve further the quality of the two organizations' response to the needs of refugees throughout the world.

7. Mr. de COURTEN (International Committee of the Red Cross) stressed that the International Committee of the Red Cross (ICRC) attached great importance to its relationship with UNHCR, as shown, for example, by the fifth annual meeting of the heads of the two organizations held in August 1997. ICRC, whose task was to assist and protect war victims both by taking practical action and by drawing up legal rules, had during the past year pursued its activities in support of refugees and internally displaced persons affected by armed conflict, notably in the Great Lakes region of Africa, the Caucasus, Afghanistan and Sri Lanka.

8. While repatriation undoubtedly offered a lasting solution to the refugee problem, it should be carried out only under certain specific conditions, the first of which was that repatriation had to be voluntary. States should be reminded that, despite the heavy burden placed on them by a massive influx of refugees, the principle of non-refoulement remained more valid than ever. Any effort to assist civilians fleeing armed conflict should receive the support of the international community so that the impact on the host country might be kept to a minimum.

9. It was the host countries' duty to ensure that refugee camps were not used as military bases and that refugee populations did not become hostage to armed groups, whose disarmament and internment were prerequisites for the implementation of the basic principles of refugee law. ICRC took the view that repatriation was not desirable in the absence of a satisfactory political settlement of the conflict. The return had to be organized in stages and carefully planned; it should not be hampered by discriminatory administrative procedures or other red tape or be subject to any pressure designed to

influence the refugees' decisions. An independent judicial system and the restitution of, or fair compensation for, property helped to create a more stable environment for returnees. The rehabilitation of devastated areas should be undertaken before repatriation took place, and that presupposed a link between emergency responses and development activities.

10. The serious threat posed by anti-personnel landmines during repatriation operations also had to be borne in mind. The welcome progress made recently towards the banning of those weapons should not obscure the fact that landmines not only prevented people from returning home in secure conditions, but also impeded economic development, which was a crucial requirement for a successful return. ICRC took the opportunity to congratulate the International Campaign to Ban Landmines on the award of the Nobel Peace Prize.

11. In seeking a lasting solution to refugee problems, account had to be taken of the need for preventive action. Promoting greater awareness and the more effective implementation of existing law was in itself a preventive measure. ICRC reaffirmed that all States parties to the 1949 Geneva Conventions and their 1977 Additional Protocols were under an obligation to apply those instruments scrupulously and to work to ensure compliance with their provisions.

12. ICRC had helped in the preparation of a set of guiding principles for internally displaced persons by Mr. Francis Deng, the Special Representative of the Secretary-General, and hoped that the document would lead to the more effective protection of civilian populations. The issue of internally displaced persons remained high on the agenda for discussions between ICRC and UNHCR.

13. A concerted approach and constant consultations between humanitarian agencies were essential for the efficient coordination of field operations. The increasing number of serious security incidents affecting humanitarian personnel was a source of growing concern. In that connection, ICRC recalled that the question would appear on the agenda of the first periodic meeting of States parties to the Geneva Conventions scheduled for January 1998.

14. In conclusion, he emphasized that, notwithstanding the increasingly close cooperation between humanitarian organizations and those involved in political or military action, the autonomy, neutrality and independence of humanitarian activities had to be preserved in order to safeguard the dignity of the individual and alleviate the suffering of the victims of conflict.

15. Ms. AHLUWALIA (International Federation of Red Cross and Red Crescent Societies) said that, with its network of 171 national societies which had branches in some of the remotest areas of the globe, her organization was especially well placed to assist at all stages of the repatriation process. Refugees rarely wanted anything more ardently than to go back to their homes. However, repatriation should always remain voluntary and should be carried out in dignity and with full respect for humanitarian principles and the returnees' human rights. The past year had vividly demonstrated that there were situations, notably but not exclusively in the Great Lakes region of Africa, where repatriation had been carried out in less than ideal

circumstances. Her organization welcomed the declared intention of the High Commissioner for Human Rights to be more actively involved in the repatriation process.

16. Because of the increasingly complex and dangerous environment in which UNHCR and other humanitarian agency staff had had to operate during the past year, the wisdom of continuing to provide assistance in such situations had been questioned in some quarters. Her organization could not agree with such an approach. Conflicts were not fuelled or extended by assisting refugees; they were perpetuated by the failure to address the root causes or to remove combatants from refugee camps when it was obvious that civilian refugees were being held hostage. States all too often found it convenient to abdicate or not fully discharge their responsibilities. Repatriation without an overall political solution to the root causes of the initial displacement often meant exporting instability, no matter how well the host Government had organized the initial reception.

17. Associating herself with earlier tributes to humanitarian staff killed in the line of duty, she commended the High Commissioner for drawing attention in her opening statement to the commitment of so-called local staff and the dangers to which they were exposed.

18. Focusing on repatriation as the most desirable solution for refugees in times of shrinking resources should not mean forgetting those who could not return or those who had been forced to flee again. Support and assistance should continue to be provided in long-term refugee situations such as those in former Yugoslavia, Iran or Nepal, as well as to new refugees on the Thai borders or those leaving Sierra Leone or Congo Brazzaville. The situation in the latter country, in particular, where conflict appeared to be spreading to the countryside, was liable to result in further displacement.

19. While many European Governments were understandably placing emphasis on repatriation programmes, in particular with regard to refugees from the former Yugoslavia, a group of European Red Cross Societies with support from the International Federation Secretariat had set up a European Platform on Refugees with a view to elaborating guidelines and recommendations on refugee issues. The Platform's agenda included not only conditions of return and repatriation of rejected asylum-seekers, but also the issue of refugee integration, a durable solution which all too often seemed to be overlooked. The statement by the Australian representative had been encouraging in that regard. In conclusion, she again stressed that national Red Cross and Red Crescent societies were almost universally present in both asylum countries and countries of origin and had a tradition of structured cooperation, which provided the basis for significant and useful cooperation between the International Federation, UNHCR and Governments.

20. Mr. SCHATZER (International Organization for Migration) said that, following the signature of the Memorandum of Understanding between the International Organization for Migration (IOM) and UNHCR on 15 May 1997, senior staff of the two organizations had met in September 1997 to identify successes, analyse failures and draw lessons for future activities. Similar meetings were to be conducted on an annual basis. An important part of the first review had focused on the return of rejected asylum-seekers and

irregular migrants; both organizations had long maintained such return to be essential in order to ensure respect for the institution of asylum. Return was also an important element of a wider migration regime which, in order to be credible, had to balance the positive and negative elements of international migration for sending, transit and receiving countries, as well as for the migrants themselves. In that context, individuals in respect of whom it had been established by due process that they could no longer legally remain in a country not their own, but who did not in fact go home, endangered political support for asylum and orderly migration processes.

21. IOM return programmes from many countries which had traditionally attracted asylum-seekers and irregular migrants had a long and successful history. However, the number of States which were becoming countries of destination was growing, as were the problems caused for transit countries by irregular movements of people. Considerable hardship could also be suffered by the migrants themselves as a result of such movements.

22. All those factors had strengthened the case for international cooperation in migration management. During the joint review, UNHCR had urged IOM to increase its leadership role in return programmes and IOM was determined to do so. The participation of sending, transit and receiving countries in the organization made it possible to adapt IOM's programme concepts to each country's particular circumstances. The potential for complementarity between UNHCR's requirement of respect for all elements of the 1951 Convention and the IOM programmes appeared obvious. The basis for cooperation in return and repatriation had existed for a long time. In more recent years, IOM had demonstrated to the international community that the pooling of mandates and expertise could lead to successful operations even in the most complex circumstances. Overshadowed though it was by political events and wider-ranging humanitarian concerns, the fact that more than 1 million refugees had been transported by IOM from neighbouring countries to their homes in Rwanda testified to the potential of cooperation with UNHCR on return in delicate post-conflict situations. Another example was the joint work now in progress in helping people go back to the former Yugoslavia.

23. Governments grappling with the complex issues of international population movements had a right to expect a proactive, solution-oriented and collaborative approach on the part of the multilateral system. UNHCR and IOM, as well as other parts of the system, had a great deal to contribute in that respect. While multilateral reform was under way, it was important not to lose sight of the challenges raised by the many aspects of voluntary and forced migrations and to work towards an ever-more rational system of meeting them.

24. Mr. GILROY (United Nations Volunteers Programme) said that, during the past year, close on 175 United Nations volunteers had served with UNHCR in various parts of the world. The two organizations were working together in Angola, Bosnia, Sierra Leone, Liberia, the Great Lakes region and many other countries and regions. The work was made possible in part through the support of donor countries, to which he expressed his organization's sincere thanks.

25. Although recent efforts had often been defined by emergency activities in crisis situations, cooperation between the two organizations extended into the essential challenges and activities of repatriation and resettlement in more peaceful areas. In both instances, the key to the work was the pursuit of durable solutions to the plight of refugees, whether through voluntary repatriation, local settlement or third-country resettlement. UNV believed that the interests of refugees, as well as of the international community at large, could in most instances be better served through the active pursuit of solutions in the country of origin. UNHCR's description of preventive and solution-oriented strategies seemed particularly well suited to promoting and consolidating repatriation while preventing new displacement. UNV was pleased to be working with UNHCR in the areas of peace building and post-conflict reconciliation with a view to building bridges towards good governance, sustainable development and respect of human rights. The participation of all of the people affected, especially women, was essential to the identification, definition and ultimate realization of solutions. Only through a participatory approach could durable solutions to the causes of displacement be found and conditions conducive to safe return secured. The men and women who served as United Nations volunteers were well placed to help in fostering such participation.

26. Ms. ABDALLA (Islamic Educational, Scientific and Cultural Organization) said that ISESCO had been established in 1982 as a result of a decision by the Third Islamic Conference, to deal with education, science, culture and communication. Among its aims were to develop understanding and communication between Muslim countries, consolidate and strengthen peace throughout the world and preserve Arab culture. In pursuing those goals, it was active in Muslim States and on behalf of Muslim minorities in non-Muslim countries. It had devised a strategy for the development of science and technology and was also active in literacy and basic education programmes. In the area of international and regional cooperation, it had concluded 97 agreements with United Nations bodies and conducted 100 activities through financial contributions of \$2.8 million.

27. ISESCO also attended to the needs of Muslim refugees within its areas of competence. It had extended relief to Somali and Yemeni refugees in refugee camps and had offered study grants for refugees in Morocco from Bangladesh, Bosnia and Herzegovina and Somalia. It believed that its activities should be strengthened worldwide, as most of the world's refugees were Muslim and 40 of its member States were refugee hosting countries. It had thus concluded an agreement with UNHCR in 1991 and a series of coordinating meetings had been held by UNHCR and ISESCO representatives in 1996. The programmes established included programmes for Somali refugees in Yemen, Bosnia and Herzegovina, Tajikistan and Afghanistan and study grants for Palestinian students in Morocco. ISESCO also planned to extend assistance to refugees in Central Asia, South East Asia, North Africa and the Middle East for the repatriation of refugees as part of a forthcoming three-year plan.

28. Ms. MAKUNDI (International Council of Voluntary Agencies) said that a lack of political will had led to blatant violations of fundamental international standards for the treatment of refugees over the past year. More must be done to enforce existing standards through regional and

international political forums and the work under way through UNHCR consultations to provide international protection for all who needed it must be accelerated.

29. Against that background, she highlighted several repatriation challenges. Repatriation could be legitimate only if the right to asylum was preserved. While many States continued to grant asylum to large numbers of refugees, too many disturbing State practices undermined that right. At the same time, there were positive developments in some States, such as increased recognition of the persecution faced by women and girls and by those who refused to serve in armed forces participating in an internationally condemned armed conflict. States were urged to commit themselves to building stronger asylum practices.

30. Non-refoulement remained the legal pillar on which both asylum and repatriation must rest. Unfortunately, there had been serious breaches of that obligation: Rwandan asylum-seekers by Congo; Myanmar asylum-seekers by Thailand and Bangladesh; and Colombian asylum-seekers by Panama. States were urged to reaffirm their commitment to non-refoulement in both theory and practice, for example by reviewing and rewriting legislation and by giving appropriate directives to government officials.

31. Repatriation, which was supposed to be voluntary, had in recent years been characterized by dangerous new terms such as "imposed return" and the "least worst option". States and UNHCR must ensure that repatriation was an informed choice, that it took place under conditions of safety and dignity and that rights were fully regarded and monitored.

32. In many refugee situations, countries of origin raised legal and administrative obstacles to prevent refugees from returning home. States and UNHCR must work together to ensure that such obstacles to return were removed.

33. Repatriation was often impeded by a lack of documentation. People were forced to flee without documentation and discriminatory citizenship legislation and practice led to loss of nationality. Without proper documentation, people were often unable to access necessary services and unable to return. States must provide the necessary documentation, in particular nationality cards. They must widen the criteria for nationality, simplify procedures and ensure non-discrimination.

34. One of the main practical constraints for repatriation was physical danger in the country of origin, to which women, children and the elderly were particularly vulnerable. Insecurity was acute when returnees were in the minority and also in rural areas where the numbers of inhabitants were sometimes small. Local authorities at national institutions played a crucial role in providing a sense of security. All States must give relevant training to such authorities and institutions, with assistance from UNHCR. States were also encouraged to use burden-sharing arrangements to ensure an international security presence when appropriate.

35. In many situations, people returning had been injured or killed by landmines. No one should be compelled to return to areas that were mined. Mine-awareness programmes were imperative, especially for children. Sales and

distribution of landmines must be stopped and extensive demining operations undertaken. States were urged to join international efforts for a total ban on the production, stockpiling, transfer and use of anti-personnel landmines.

36. Property legislation in many countries of origin was often non-existent or unenforceable or provided discriminatory protection. Laws relating to property abandoned during conflict often gave greater rights to those who had moved in than to the original owners and discriminated against women. States must review their property laws to ensure that they were not discriminatory. Where people had been forced to flee and to give ownership deeds to others involuntarily, a fair compensation scheme must be put into place to help them start again.

37. The principle of burden-sharing was poorly defined. It must relate to easing the burden not only of countries of first asylum, but also of countries of origin which were in the process of rebuilding. Materials and financing were needed for rebuilding houses and providing transportation, communication lines, stores, schools and health care. All States were urged to review and increase their commitment to assist in meeting those needs.

38. Reconciliation was an important task because there was often a high level of hatred and intolerance in both countries of asylum and countries of origin. States were urged to encourage and support efforts by UNHCR and other agencies to promote reconciliation measures through local community structures, training and conflict resolution, education for peace and "open cities" programmes.

39. Compliance with international obligations relating to asylum, non-refoulement, voluntary repatriation, the right to return and freedom of movement was essential. There was currently no systematic procedure for discussing the implementation of the 1951 Convention and supplying information on domestic refugee legislation. UNHCR was urged to provide States with a simple reporting questionnaire and to report on the results at the 1998 session of the Executive Committee. The informal consultation process should include work on a more complete monitoring mechanism to ensure that States were held internationally accountable for their refugee policies.

40. The CHAIRMAN, summing up the debate on agenda item 4, said that a number of positive developments in the international environment had been noted. It had been remarked that democracy was more firmly anchored in all parts of the world and that the resolution of long-standing conflicts had permitted many millions of refugees to return home.

41. Nevertheless, concern had been expressed at the complex and volatile context in which humanitarian action now took place. There had been an increase in the number and intensity of ethnically-based conflicts within States, which complicated the problems faced by countries of asylum. In the face of such complexity, it had been clear from the discussion that there were no "turnkey" solutions. Solutions should be tailored to meet the specific characteristics of refugee movements.

42. There had been a clear consensus that humanitarian action needed to be firmly based on internationally accepted principles, which were, as many

speakers had stressed, non-negotiable. Asylum had been stressed as an imperative requirement for those obliged to flee their countries in search of international protection. Humanitarian principles had been seen as equally fundamental to repatriation and the importance of respecting the voluntary nature of refugee repatriation had been emphasized by many speakers. The right of refugees to return to their countries of origin and the obligation of their countries to accept that return had also been affirmed.

43. Concern had been expressed by many speakers about the erosion of accepted principles through restrictive asylum policies and laws and through forcible repatriation. The recent failure to respect asylum in parts of the Great Lakes region of Africa had been a particular cause of grave concern.

44. The legitimate security concerns of countries receiving large refugee influxes had also been widely recognized. In order to sustain asylum and facilitate repatriation, it was important that the humanitarian and civilian nature of refugee camps should be fully respected, that camps should be located away from borders and that access should be provided to UNHCR.

45. A number of speakers had highlighted the importance of early screening and host Governments had been seen as having a responsibility to ensure the separation of armed elements from refugee populations, with assistance from the international community where appropriate. It had been stressed, on the one hand, that refugees must not engage in illegal activities, particularly those which endangered security, and, on the other hand, that they should not be used as scapegoats for the problems of host States.

46. There had been recognition of the burden borne by countries of asylum, particularly developing countries, hosting large numbers of refugees. The principle of international solidarity and burden-sharing had been highlighted by many speakers, particularly in the light of the diminishing resources available to UNHCR.

47. Another strong theme to emerge from the debate had been that humanitarian action could not replace political will and should not be used as a substitute for it. A number of delegations had argued that greater focus was needed on prevention and on tackling root causes. Without detriment to its purely humanitarian and non-political mandate, it had been suggested that UNHCR should play an active role in signalling political developments that might have implications for refugees. The new openness of the Security Council to the humanitarian dimension of crises had been mentioned as a positive development. There had been strong agreement that UNHCR should not be left without political support in the midst of crisis.

48. Regarding repatriation specifically, it had been stressed that the return of refugees to their home countries was not a mere logistics exercise. Bad repatriation, it had been pointed out, could affect reconciliation and increase instability. In countries of asylum, assistance needed to be given in such a way as to promote rather than inhibit returns. A number of speakers had stressed the importance of refugee education in preparing them for return and reintegration.

49. It had been pointed out that conditions conducive to return and reintegration had to be created in countries of origin through system-wide efforts which included institution-building, the strengthening of civil society, the promotion of equity, the elimination of landmines and more effective control of small arms. It had been suggested that development aid policies should be better dovetailed into the emergency phase of operations and better targeted both to prevention and to the facilitation of return.

50. There was widespread support for UNHCR's role in repatriation and initial reintegration. To achieve sustainable reintegration, however, a coherent system-wide response was required. In that regard, UNHCR's efforts to cement relationships with a broad range of partners, including development agencies, human rights organizations and financial institutions, had been widely welcomed. Efforts to systematize relations with other organizations through Memoranda of Understanding had been widely supported. It had been suggested, however, that further synergy needed to be promoted both at the operational level and at the level of governing bodies. Increased collaboration with regional organizations had also been welcomed, as had regional consultations on solutions to refugee problems.

51. The extent of UNHCR's involvement in reintegration had been the subject of some debate. Many delegations had emphasized the need for early involvement of agencies with a comparative advantage in longer-term development. While some speakers had urged UNHCR to take the lead in spearheading United Nations activities to create favourable conditions in countries of origin, others had cautioned UNHCR to avoid mission creep.

52. Many speakers had stressed the need to ensure safety and dignity in the process of repatriation and reintegration and had expressed extensive support for UNHCR's role in the monitoring of returnees.

53. The emphasis placed by UNHCR on promoting reconciliation had been welcomed by many delegations. The "open cities" initiative in Bosnia had been cited as an innovative way of targeting assistance to promote voluntary return and foster reintegration and reconciliation. The role of women in reconciliation had also been highlighted and UNHCR's efforts to promote that role in both Bosnia and Rwanda had been appreciated.

54. A number of delegations had expressed growing concern about the abuse of the asylum process to circumvent migration. Several had expressed the view that failure to return those not in need of international protection undermined asylum. UNHCR's role in such cases had been the subject of some discussion and some speakers had called on it to be more active. Its role might include issuing clear public statements, promoting dialogue and undertaking a passive monitoring role in countries of origin. Other delegations had been cautious in respect of any UNHCR operational role in the return of non-refugees, though it had been suggested that the Office might play a catalytic, "think-tank" role in the study of composite flows, taking the lead with other agencies, including IOM, in that respect.

55. Many of the issues raised would undoubtedly continue to preoccupy the Executive Committee in the months ahead and he looked forward to exploring them further with members in the Standing Committee.

REPORTS ON THE WORK OF THE STANDING COMMITTEE (agenda item 5)

(a) INTERNATIONAL PROTECTION (A/AC.96/882 and 888)

56. Mr. McNAMARA (Director, UNHCR Division of International Protection) said that UNHCR worked closely with many Governments on a wide range of protection issues. In the High Commissioner's opening statement, she had mentioned a number of positive developments, including the generous asylum policies of West African States, integration programmes in Central America and the generally tolerant handling of Bosnian refugees in Europe. During the past year, many thousands of refugees had safely gone home to rebuild their lives, but there had also been a series of human rights violations of virtually unprecedented ferocity.

57. There had been much discussion of the failure of protection in the Great Lakes region. While everyone involved in that crisis, including UNHCR, had made mistakes from which they could learn, the root of the problem lay not with the international protection regime, but with the persistent failure of States to respect treaty obligations. When Governments deliberately and systematically violated the most basic principles of refugee protection with impunity, the system itself was fundamentally weakened. In the Great Lakes region, UNHCR and the refugee law on which its work was based had been more abused than at any time in the past, while violators had sought to shift the blame to others. The unprecedented statement at the current session of the Executive Committee that UNHCR had enticed refugees out of Rwanda and was responsible for starving thousands of them to death showed the depths to which that disowning of responsibility had descended. Supportive Security Council resolutions were welcome, but concrete action on the part of Governments was needed at the internal, bilateral and multilateral levels. Many Governments which had demonstrated their commitment to the principles of justice and humanity on which the refugee regime was based through democracy, good governance, human rights or the fairness and decency of their societies were nevertheless increasingly reluctant to speak out in support of those principles in the politicized context of the refugee situation, perhaps because the domestic refugee policies of many States fell short of international standards.

58. In the case of the Rwandan refugees in Central Africa, as in that of the expulsion of Indo-Chinese refugees from South-East Asia 20 years previously, the violators of refugees' rights in one region were attempting to justify their actions by invoking violations committed by other regions with greater resources. Failure to fulfil treaty obligations was becoming a global norm, as exemplified by the systematic pursuit and killing of civilian groups in the Democratic Republic of the Congo, the mass expulsion of refugees by three countries in the Great Lakes region, organized media and other attacks on UNHCR, physical attacks on humanitarian workers, formal protests by Governments against UNHCR activity in Europe and criticism of States which called on other States to accede to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.

59. UNHCR cooperated with Governments in the majority of its activities, which included providing assistance in the rebuilding of civil societies and the establishment of community services, advising and training government

officials on refugee and statelessness law and rehabilitating refugee-affected areas. But such humanitarian action must take place within a broadly agreed framework of international protection principles and must be based on access and accountability, monitoring and reporting, respect for human rights standards and guarantees of staff security if it was not to be compromised, manipulated and perceived as partial, unfair or discriminatory.

60. Not only UNHCR, but also the prosecutors of the International Criminal Tribunals, the Office of the High Commissioner for Human Rights and non-governmental organizations (NGOs) required State support in order to carry out their mandated functions. The Executive Committee provided an invaluable barometer of the political support on which UNHCR depended and offered interpretative guidance on protection issues in the form of conclusions. It was therefore disturbing that, as a result of prolonged debates during the past year which had often led to the reduction of previously agreed texts, the Executive Committee did not yet have before it a full set of agreed conclusions on protection. The asylum procedure was complicated and expensive for States and the reconciliation of protection principles and legitimate State concerns was a complex task, but refugee protection was not assisted by overzealous efforts to tip the balance towards State interests to the point where the protection content of a number of the Committee's conclusions was seriously marginalized. As one delegation had noted earlier in the week, the Committee's collective task was to move forward. Thanks to support from traditional, and in some cases new, sources, the basic concepts of protection had nevertheless found their way into the conclusions that the Committee had before it, but his Division needed to count on all, not just a few, of the Committee's members in that regard. In recent years and at the current session, there had been a disappointing decline in participation in the discussions on protection by members and observer delegations from several important regions. The Committee played an important role in forging consensus on policy and practice, but, if that consensus was to be genuine, there must be a clear commitment to and participation in the process by all concerned.

61. The conclusions were an important part of the international legal framework for refugee protection. It was easy to claim that the system was flawed and to call for a new regime, but standards and principles were, by definition, time-tested and the problem was often one of implementation. UNHCR encouraged innovative solutions to current problems, as exemplified by its support for temporary protection. However, the "niceties and conditionalities" of repatriation, as one speaker had described them, were in fact essential prerequisites for a safe and viable return. If they stood in the way of impatient political action aimed at provoking mass return without basic safeguards, that was their role.

62. The declarations and rules agreed to by the Committee or the General Assembly must be translated into supportive action by States. However, there was an increasing failure to implement or actively support the Committee's conclusions concerning, inter alia, military attacks on camps, the latter's civilian and humanitarian character, basic conditions of treatment during mass influx, responsibilities in repatriation and minimum standards for due process in determining refugee status, all of which were areas where consensus, even when achieved, had little impact on State practice. He

requested an opportunity to consult with members of the Executive Committee at the next appropriate meeting of the Standing Committee in order to learn what guidance and support the Committee planned to offer UNHCR in the area of protection.

63. If the gap between official rhetoric and political reality continued to grow, UNHCR would be unable to fulfil its protection mandate. That failure would damage the essential principles of justice which had emerged from earlier tragedies and would put millions of the world's most vulnerable populations at risk. Governments must accept the good faith and impartiality of UNHCR, which was not opposed to any Government or party, but was biased in favour of all victims, if productive dialogue was to continue.

64. Mr. LUNDING (Denmark) said that his delegation welcomed the decision to devote a special agenda item to protection and hoped that a statement by the Director of the Division of International Protection would be included in future annual sessions of the Executive Committee. His delegation was deeply disturbed by the gross State violations of which the Director had spoken.

65. In light of the past year's events, it was important to emphasize the obligation of States fully to respect the principle of the non-refoulement of refugees. By acceding to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and by withdrawing reservations to or geographic limitations on those instruments, States formally agreed to treat refugees in accordance with the international minimum standards laid down therein. However, Denmark took the view that the principle of non-refoulement also applied to States which had not yet acceded to the Convention or its Protocol and to those which had made such reservations or limitations and it strongly urged the removal of all geographic limitations.

66. The Note on International Protection (A/AC.96/882) raised concerns about the procedures introduced by a number of States in order to prevent abuse of the asylum system. His Government agreed with UNHCR that such procedures must include all the necessary legal safeguards, including the right to review a decision by an independent body such as the Danish Refugee Council, a highly respected NGO whose review procedures had proven both fair and flexible.

67. Since 1978, Denmark had taken an active part in resettling refugees whose cases had been submitted by UNHCR and he encouraged countries which did not offer resettlement opportunities to consider doing so. He drew attention to the recent establishment by the Nordic countries of a special trust fund, the purpose of which was to identify and provide assistance to countries which had recently made that decision. In view of the serious violations of refugee rights described in document A/AC.96/882 and discussed at the current session, it was important to remember that, under article 35 of the Convention relating to the Status of Refugees, States undertook to cooperate with UNHCR and to facilitate its duty of supervising the application of the Convention. His Government also considered it desirable for States to consult with UNHCR when developing national or regional legal frameworks for refugee protection.

68. Mr. SHAEFER (Germany) said that his delegation welcomed the statement by the Director of the Division of Internal Protection and strongly supported the

Director's appeal to Governments to respect their obligations under international law and to contribute actively to enhancing, rather than weakening, the international protection regime.

69. Turning to the question of the most effective use of the United Nations system's potential in complex emergencies and post-conflict situations and the role of UNHCR, he noted that the Secretary-General's report on the reform of the Organization spoke of the need to decompartmentalize the Organization and to achieve a unity of purpose among its diverse departments, funds and programmes, enabling it to act coherently and deploy its resources strategically, and to forge alliances and partnerships with the specialized agencies (A/51/950, para. 18). The comparative advantages of various elements of the United Nations system could be used to enhance the international protection regime and the protection of individual refugees.

70. The High Commissioner had called for a comprehensive approach to the reintegration of returnees, including closer cooperation with a wide range of partners. His delegation agreed that the work of UNHCR must be part of an integrated strategy for rehabilitation and reconciliation if durable solutions were to be achieved. There was general agreement on the desirability of repatriation and on the idea that, while the mandate of UNHCR included active assistance in the reintegration of returnees, the timely phase-out of its activities was in its own interest. However, experience had shown that "quick exit" strategies and time limits were often unrealistic; there must be a clear phase-out plan and a partner willing and able to take over. The Emergency Relief Coordinator might have an important role to play in that regard.

71. While a comprehensive memorandum of understanding between operational partners was important, the primary need was for effective cooperation on the ground and UNHCR might be forced to remain in situations where its partners for handover were not yet operational. In such cases, UNHCR could contribute its experience, assist in formulating strategies, establish the required programmes and, if needed, transfer personnel and equipment. His delegation welcomed the High Commissioner's reference to enhanced cooperation, not only with traditional partners such as the World Food Programme (WFP) or the United Nations Children's Fund (UNICEF), but also with the United Nations Development Programme (UNDP), the World Bank and the International Monetary Fund (IMF) at the country level.

72. Sustainable solutions would require not only physical rehabilitation and reconstruction, but also efforts aimed at reconciliation, full respect for human rights and the rule of law and the involvement of civil society. In that regard, he welcomed efforts to enhance coordination with the United Nations High Commissioner for Human Rights, who had rightly drawn attention to the interrelationship between human rights violations and refugee problems and the importance of re-establishing respect for human rights as a means of facilitating the return and reintegration of refugees and fostering true reconciliation. He also welcomed the increased cooperation between UNHCR and regional and subregional organizations, examples of which included the Commonwealth of Independent States (CIS) Conference process, the increasing role of the Organization of African Unity (OAU) in solving refugee problems on

the African continent and the closer cooperation between the Organization for Security and Cooperation in Europe (OSCE) and UNHCR in Bosnia and Herzegovina. His Government would continue to contribute actively to those efforts.

73. Ms. ENGLER (Switzerland), welcoming the statement by the Director of the Division for International Protection, said that Switzerland was a member of the working group, which included 10 countries that had decided to set an annual quota for refugee resettlement and met regularly with UNHCR. The 10 countries invested large amounts each year for the resettlement of refugees. The Nordic countries had therefore proposed that more refugees could be resettled with the same funds by exploring resettlement possibilities in the region of the country of origin or the country of first asylum.

74. Switzerland fully supported that proposal. The main purpose of a long-term resettlement solution was to ensure refugee protection, which did not necessarily have to be provided in a region far from the country of origin or the country of first asylum, since there was every likelihood that refugees would be better integrated into a familiar environment. In addition, the Western countries, which were at present virtually the only ones that took in refugees for resettlement, would be able to assist them more effectively by providing solutions suited to conditions in the region of origin, without any increase in expenditure. Switzerland firmly supported any efforts UNHCR might take in that direction as a means of adapting resettlement policy to current political and economic criteria. Her delegation called on other countries to adopt the concept of an annual quota, which would also lead to fairer burden-sharing. After all, the members of the Executive Committee were equally concerned by the decisions that the Committee adopted.

75. Mr. LE LON MINH (Observer for Viet Nam) said that, as indicated in the report of the ninth meeting of the Standing Committee (A/AC.96/894), some 110,000 Vietnamese had been repatriated between 1989 and June 1997 under the Comprehensive Plan of Action (CPA). The success of CPA was undeniable and, as the last opportunity to discuss it might be at the current session of the Executive Committee, his delegation expressed its gratitude to the High Commissioner, her staff, donor countries, countries of first asylum and resettlement and the many NGOs involved.

76. In certain sections of the documents circulated under agenda item 5 (a), persons of a specific group residing in China were described as Vietnamese refugees. He reiterated that there were no Vietnamese refugees in China. Some 20 years previously, a large number of Chinese citizens had returned from Viet Nam to their Chinese homeland, where they had been resettled for two decades. While those in need should continue to receive assistance to stabilize their lives, that issue was a thing of the past and should be closed.

77. Ms. BEDLINGTON (Australia), welcoming the statement by the Director of the Division for International Protection, said that her delegation shared a number of his concerns, particularly about violations of refugees' rights. In an earlier statement, it had expressed its support for the action the High Commissioner had taken in response to threats to her staff and to the discharge of UNHCR's protection mandate in Central Africa. She reiterated that support and endorsed the comments made by the Director of the Division

for International Protection about the inability of the High Commissioner to implement her mandate without the full support of States, both in relation to particular situations and in the Executive Committee.

78. The pressure exerted on asylum systems by persons who did not genuinely need asylum was undermining the institution of asylum itself. She was pleased that a number of delegations had drawn attention to that issue.

79. Her delegation appreciated the work UNHCR was doing in adopting constructive approaches to issues such as international cooperation through regional forums. It called for the expansion of resettlement to meet the needs of those for whom resettlement was the most satisfactory durable solution.

80. Ms. LUND (Norway), welcoming the statement by the Director of the Division of International Protection, said that Norway shared the concern expressed about the erosion of the support of States for the humanitarian principles which had enabled UNHCR to fulfil its protection mandate. The Executive Committee had a special role to play in moving protection ahead and she hoped that the current session would reach conclusions along those lines. Her delegation also wanted to participate actively in the coming year, in the context of the Executive Committee, in an exercise to enable progress to be made on those important issues.

81. Ms. OAKLEY (United States of America) said that the issue of protection was of such fundamental importance that her delegation stressed its support and concern for protection issues, which lay at the very heart of UNHCR's work. The Standing Committee's activities on international protection reflected the past year's efforts on that issue and concern about the breaches of refugee protection that had recently been witnessed.

82. As the High Commissioner had said in her opening statement, great and grave challenges to protection had occurred in the Great Lakes region of Africa. UNHCR had endeavoured, often alone, to continue to protect and assist refugees, despite incredible obstacles. She urged all those present to remember that responsibility for protecting refugees lay with Governments and that the role of UNHCR was to monitor and advise. UNHCR should not become a scapegoat when protection failed. It should, rather, be supported in its efforts to inform the international community of ways in which refugee protection could be improved.

83. Her delegation also stressed the importance of resettlement as an instrument of protection and burden sharing. Over the past five years, the United States had reorganized its refugee resettlement programme to respond to the needs of refugees, for many of whom resettlement was the only solution. She encouraged UNHCR to enhance its ability to identify and refer appropriate cases to resettlement countries.

84. Her delegation commended UNHCR on the progress it had made in providing protection for refugee women and children and dealing with sexual violence as part of the response to public health problems. However, if sexual violence was to be dealt with effectively, it had to be seen as a protection issue. It had to be prevented, not cured.

85. Her country had long recognized the problem of refugee children affected by armed conflict and looked forward to the conclusions on refugee children and adolescents, as the need for effective programmes to protect children under current international law was greater than the need for new standards. She expressed her own and her Government's appreciation to the High Commissioner and her staff for their attention to the fundamental principles of protection, which it was incumbent upon all to respect. When those principles were not upheld, the response should not be to lower them, but jointly to seek ways of bringing practice into line with them.

(b) PROGRAMME, ADMINISTRATIVE AND FINANCIAL MATTERS (A/AC.96/880, 881, 888, 889, 893 and 894)

86. The CHAIRMAN, introducing agenda item 5 (b), invited delegations to comment on the report on the work of the Standing Committee (A/AC.96/893).

87. Mr. CASTRO (Colombia), drawing the attention of the international community to the serious problem of internally displaced persons in Colombia, said that, although the situation was not new, as Colombia had been in the grip of a serious internal armed conflict for almost 40 years, recent developments suggested that the impact of the war on the civilian population had become more acute, particularly as a result of the terrorist activities of the guerrilla forces and of the inappropriately named "paramilitary" groups, which were intent on sabotaging the forthcoming elections and taking control of part of the national territory.

88. There was no consensus on the exact number of displaced persons, but it was generally agreed that it was quite large. Reports by the International Committee of the Red Cross indicated that, in the first six months of 1997, it had provided temporary assistance to some 20,000 persons displaced by the violence in Colombia.

89. The Government was aware of the scale of internal displacement, the diversity of the forms of violence responsible for it and their grave consequences for human rights. It had therefore implemented a comprehensive strategy to prevent mass and uncontrolled population displacements. It was also trying to provide temporary assistance for displaced persons and to assist them with resettlement or voluntary return to their place of origin in a framework of respect for human dignity and the consolidation of their social and economic situation. The strategy focused on the establishment of the Office of the Presidential Adviser for Displaced Persons, the introduction of the National System for Comprehensive Assistance to the Displaced Population and the establishment of the National Information Network and the National Fund for Comprehensive Assistance to Displaced Persons, with an initial government contribution of US\$ 10 million.

90. The cooperation of the international community and its agencies was essential to the solution of the problem of internally displaced persons in Colombia. At Colombia's request, the Office of the United Nations High Commissioner for Human Rights had opened an office in Bogotá in early 1997, an agreement had been concluded with the International Committee of the Red Cross and a memorandum of understanding had been signed with UNHCR.

91. In accordance with that policy, Colombia intended to strengthen its relations and cooperation with UNHCR, whose technical capacity and experience were widely recognized. Colombia was particularly interested in identifying the actual scale of internal population displacement caused by the violence and in organizing training seminars for government personnel on refugees, refugee management and their basic needs. It also required assistance from UNHCR to formulate a project to investigate the environmental impact of population displacements in the Amazon region and on the border with Panama. It needed UNHCR's support to organize a national network to prevent and deal with mass population displacements and hoped to benefit from UNHCR's experience to implement a system to care for displaced children.

92. Mr. RODRIGUEZ CEDEÑO (Venezuela) said that his delegation believed that the international community and international institutions as a whole had an obligation to cooperate and coordinate their efforts to promote the broadest possible protection for the world's internally displaced persons. Protection should, however, not be limited to responding to crises; preventive measures had to be taken to deal with the consequences of displacements.

93. His delegation welcomed the proposal which had been made by the delegation of Colombia and would help to lessen the impact of the forcible internal population displacements occurring in Colombia as a result of that country's disturbing domestic situation. UNHCR had specific know-how that could be used to identify and formulate preventive measures on behalf of Colombia's internally displaced population. Action by UNHCR, in conjunction with other institutions such as the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM) and the United Nations Children's Fund (UNICEF), could provide protection for Colombia's displaced persons and help create a favourable framework for a rapid and comprehensive solution to the crisis.

94. Mr. de PALACIO ESPAÑA (Spain) said that his Government fully supported the work of UNHCR. His delegation had taken note of the statement by the delegation of Colombia and appreciated the efforts being made by the Government of Colombia to deal with the serious situation of its internally displaced population.

95. His delegation had also taken note of the request by Colombia that UNHCR should consider the possibility of cooperating with it and supported UNHCR's efforts to investigate the possibility of establishing a permanent presence in Colombia.

96. His Government also supported the efforts UNHCR was making to strengthen its coordination with other agencies and organizations before replying to Colombia's request. If the decision taken so required, Spain would be willing, on account of its traditional friendship with Colombia, to continue providing support for UNHCR in that country.

The meeting rose at 12.55 p.m.