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Summary record of the fifty-ninth session

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Chairperson: Mr. VAN EENENNAAM(Netherlands)

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

General Debate (Agenda item 4) (continued)

1. **Ms. RASI** (Finland) said that Finland aligned itself with the statement made by France on behalf of the European Union. Finland, which had adopted a National Action Plan concerning the implementation of Security Council resolution 1325(2000) on women, peace and security, would pay special attention to the protection of women and girls in fragile States and post-conflict countries and would take part in the High Commissioner's Forum on protection challenges. Finland commended UNHCR for joining the Secretary-General's High Level Task Force on the Global Food Security Crisis and studying the impact of climate change on migration and displacement.

2. Finland welcomed UNHCR'S contribution to the humanitarian reform process within the United Nations system, and, notably, its efforts to consolidate the cluster approach and improve humanitarian financing. It also welcomed UNHCR's active participation in efforts to strengthen the Human Coordinator System, as well as the Humanitarian Reform agenda. Finland welcomed the growing interest in resettlement among Member States of the European Union and the partnerships being developed between the old and new resettlement countries.

3. Finland strongly supported the ongoing reforms within UNHCR, which would improve UNHCR's flexibility and responsiveness to the needs of the populations concerned. Finland also commended UNHCR's endorsement of the Global Humanitarian Platform's Principles of Partnership. In 2008, Finland had allocated \$27 million to UNHCR, including a substantial amount of unearmarked allocation, and would do its best to maintain that level of contribution in the future.

4. **Mr. PHUANGKETKEOW** (Thailand) said that it was necessary to establish clear-cut criteria to ensure that UNCHR's 10-Point Plan of Action was implemented in a balanced manner, failing the asylum system as a whole could be weakened. More than 30 years ago, when the region was still beset by conflict, Thailand had had to shoulder the burden of an enormous number of refugees and displaced persons. Meanwhile, the economic disparities within the region had triggered new and continuing migration flows into Thailand which now had, like many other countries, to endeavour to strike a balance between national security considerations and the need to provide a humanitarian space for those in need. Since the opportunities for resettlement remained limited, the repatriation of refugees had to form part of the long-term solution. In that connection, the refugees' countries of origin had to be an integral part of the long-term solutions to the problems posed by migration flows.

5. Thailand appreciated having been selected as one of the eight pilot counties in which the Global Needs Assessment Initiative, which had identified the existence of needs yet to be met and the increasing burdens that had to be addressed, was being implemented. Thailand reaffirmed its commitment to working closely with its partners on resettlement and hoped that the traditional resettlement countries would continue to accept many displaced persons located in Thailand. Thailand would continue to play an active part in finding durable solutions and looked forward to continuing the discussions on the occasion of the upcoming High Commissioner's Dialogue on Protection Challenges.

6. **Mr. BAZANA TARSIS** (Uganda) said that Uganda had continued to promote the repatriation of refugees to southern Sudan. It was inviting the Democratic Republic of the Congo to sign a tripartite agreement and begin repatriating Congolese refugees. More than 3,000 Rwandan refugees had returned to their country during 2008. The strategy for the rehabilitation, recovery and reconstruction of post-conflict areas that had taken in refugees and displaced persons, established with the assistance of UNHCR, would be implemented

from 2009-2013. He thanked the Danish, Japanese and German Governments for their support for the first phase of the programme and invited Uganda's development partners and the United Nations agencies to support the next phase. He also thanked UNHCR and Uganda's other partners, which had supported the Government in the processing of returning and resettling displaced persons in northern Uganda. To consolidate the process, the Government had launched a Peace, Recovery and Development Plan at an estimated cost of \$600 million, and needed support for that. He asked how UNHCR could contribute to resettling displaced persons in northern Uganda in the light of the security threat posed by the presence of the Lord's Resistance Army (LRA) in the Democratic Republic of the Congo and southern Sudan, bearing in mind that LRA leader Joseph Koni had refused to sign the peace agreement.

7. In an effort to find a solution to the problem of displacement, in April 2009, the African Union was convening a Special Conference of Heads of State and Government on Refugees, Returnees and Internally Displaced Persons in Africa. It was the first time that a summit of that kind was to be held in Africa, and Uganda would be hosting it. The Ugandan Government invited the High Commissioner and the United Nations Secretary-General to grace the occasion with their presence. It was also inviting all Member States, civil society, the United Nations agencies and key stakeholders to take part in the conference and contribute to its success. He extended special thanks to the High Commissioner, the UNHCR Regional Office in Addis Ababa and the Commission of the African Union for the support they were giving Uganda in the preparation of the conference and their \$350,000 contribution towards the cost of the summit. An international convention on the assistance and protection of internally displaced persons in Africa was to be adopted at the summit.

8. **Mr. MUTHANA HASAN** (Yemen) said that the civil war in Somalia had brought 700,000 refugees to Yemen. Despite its limited resources, Yemen had endeavoured to provide them with many basic services. The President of the Republic of Yemen had invited all stakeholders to a round table to promote national reconciliation in Somalia and try to improve the situation.

9. Furthermore, over the past three years, many other refugees – in particular from other countries in the Horn of Africa – had sought refuge in Yemen or made it a transit point until they could reach Gulf countries, other African countries or Europe, causing Yemen security problems. Refugees frequently tried to escape from the camps and get to villages and towns where the Yemenis had to share with them their limited resources, particularly given the rise in the cost of oil, raw materials and foodstuffs. Yemen needed help to find a solution to the problem and, in particular, to assist refugees to resettle in other countries. Yemen also wanted the international community to help find solutions to the problem of piracy in the Gulf of Aden. Yemen welcomed the level of cooperation it enjoyed with UNHCR and, in particular, commended the role played by Mr. Guterres and his staff, particularly Ms. Bourgeois, UNHCR's representative in Yemen.

10. **Mr. SCHWEPPE** (Germany) said that his delegation fully aligned itself with the statement made by France on behalf of the European Union. The members of the Executive Committee had to persevere in systematically addressing the problem of the shrinking humanitarian space. In that connection, Germany appreciated the High Commissioner's efforts to find solutions to the increasing number of protracted refugee situations and welcomed the progress made in 2007, particularly in Africa. Germany continued strongly to support UNHCR's structural and management reforms which were designed to provide better services and more resources to the increasing number of refugees.

11. Turning to UNHCR's new budget structure, which had been adopted at the Standing Committee's spring 2008 meeting and represented an important part of the reform,

Germany welcomed UNHCR's efforts to secure results-based management. It was also very important to develop a comprehensive system of knowledge management and organizational learning. Germany also considered the idea that UNHCR should establish its budget on the basis of a Global Needs Assessment to be significant. The pilot study carried out in eight countries showed that needs were significantly higher than the resources currently allocated to the countries concerned. The implementation of the Global Needs Assessment in 2009 would no doubt confirm trend. But it seemed certain that traditional donors would not be able to shoulder an additional burden and that a larger numbers of actors would have to assume responsibility for funding. It would, moreover, be crucial to intensify cooperation and coordination among humanitarian actors in relation to refugees, stateless persons, displaced persons and the other persons of concern to UNHCR.

12. **Ms. THOMPSON** (Costa Rica) said that Costa Rica supported the structural reform process UNHCR had embarked upon, as well as implementation of the Global Needs Assessment which was designed to evaluate the real needs of the populations the organization was mandated to protect. Costa Rica was following with interest the process of decentralizing UNCHR in South America and the creation of a regional office in Panama. In that context, Costa Rica favoured the recruitment of local staff, increased coordination in regard to decisions taken in the field and the introduction of more effective monitoring measures. It also supported the United Nations' "Deploying as One" initiative and, in that regard, encouraged governments and civil society to become more actively involved in seeking and implementing long-term solutions which should replace the temporary measures put in place by UNHCR.

13. Costa Rica had recently signed with UNHCR a cooperation agreement designed to enhance its national capacities for determining refugee status, improve its national asylum system and facilitate the reorganization of the Directorate-General for Migration and Aliens. During August, Costa Rica had hosted a regional conference on migration that had taken the form of a workshop on protection and durable solutions for mixed migration flows, with a view to convening, in late 2009, a regional conference on the protection of refugees and international migrations, with European Union financial support.

14. As the High Commissioner had said in his introductory remarks, the funds available to protect refugees fell far short of the sums allocated to safeguard the international financial system. And they were still more limited in comparison with military spending and arms procurement. Yet armed conflict and the adverse effects of climate change were currently the main reasons for the internal and international displacement of persons. Costa Rica therefore invited the Committee's member to consider where their priorities should lie.

15. **Ms. AZEVÉDO** (Brazil) said that, in 2008, Brazil had celebrated the tenth anniversary of the Brazilian National Committee for Refugee (CONARE): it had been the first tripartite structure in South America bringing together Government, civil society and UNHCR to work together to design refugees policies and procedures. In Brazil, asylum-seekers had the right to work and a temporary residence permit, and had access to the public health and education systems until a decision was taken on their case. They were also able to circulate freely. Members of their wider family were eligible for refugee status. After six years' residence in the country, refugees could apply for a permanent visa and for Brazilian citizenship. In the past 10 years, the number of refugees in Brazil had almost doubled. Between 2004 and 2008, the Brazilian Government had increased sixfold the monies allocated to refugee-related activities. International cooperation was essential to assist developing countries in integrating refugees into their societies. Brazil was ready to share its experience in that field with interested partners.

16. Under the 2004 Mexico Plan of Action, Brazil had proposed a regional initiative called the Solidarity Resettlement Programme which was based on international cooperation, solidarity and responsibility-sharing; under the plan, countries of the region

were invited to offer resettlement solutions to refugees hosted by countries experiencing a large influx of refugees. In 2005, Brazil had put in place an emergency resettlement procedure that enabled refugees facing an imminent risk to have their resettlement applications reviewed within 72 hours. If their applications were granted, refugees could enter Brazilian territory within seven days. Given its solid experience at regional level, Brazil had decided to expand its programmes beyond the borders of the American continent and, in 2007, it had taken in a group of 108 Palestinian refugees from the Jordanian desert. Like the High Commissioner, the Brazilian Government was concerned by the surge in measures designed to restrict migration as they could undermine the principle of protection and the very basis of humanitarian law, including the principle of non-refoulement.

17. **Mr. ESTEVES** (Portugal) said that Portugal aligned itself with the statement made by France on behalf of the European Union. In his view, the humanitarian aid agencies had increasingly to take account, on a daily basis, of the way in which the issues of poverty, armed conflict and climate change were interrelated. New patterns of migration had emerged, blurring the traditional distinction between refugees, internally displaced persons and economic migrants. Since that new reality could not be ignored, the solutions to the problems posed by mixed migration and secondary movements would inevitably depend on full cooperation among all of the actors involved, namely governments, the United Nations agencies, international organizations and NGOs.

18. In that connection, Portugal fully supported the 10-Point Action Plan and attached great importance to the decisions taken by the Executive Committee, such as the General Conclusion on International Protection, as they facilitated the establishment of international standards. Moreover, Portugal was currently in the process of transposing recommendations contained in the Executive Committee's Conclusion on Children at Risk into its domestic law and had recently entered into a formal commitment to resettle refugees, tripling its annual quotas.

19. **Mr. KAJWANG** (Kenya) welcomed the fact that the High Commissioner had taken part in the celebrations for World Refugee Day, held on 20 June 2008 in Nairobi, and that visits to refugee camps had taken place. The Kenyan Government was gravely concerned by the situation in the Dadaab refugee camps – currently overcrowded as a result of the continuing influx of refugees from Somalia. Over the past year, Kenya had taken in 45,000 new asylum-seekers. Since the voluntary repatriation of Sudanese refugees had lost momentum, Kenya had to find new land to expand its accommodation capacity and thereby ensure that refugees were able to coexist peacefully with the local communities.

20. Since Kenya was still suffering from economic and environmental, as well as food supply problems, he urged UNHCR and the other United Nations agencies to continue to provide funding for specific host community projects set up in the Dadaab and Kakuma areas and urged the international community to find a solution to the political crisis in Somalia where peace remained elusive. He thanked the Danish Government for helping the Kenyan Government to improve its capacities for managing refugee-related issues.

21. **Mr. SCHAAPVELD** (Netherlands) said that his delegation supported the statement made by France on behalf of the European Union. He considered that the recent crisis in Georgia had shown that UNHCR was able to react in a flexible and coordinated manner to come to the assistance of displaced populations. Unfortunately, the principle of freedom of access for humanitarian organizations was not always respected in conflict zones. On that point, at the last session of the General Assembly, Mr Koenders, the Netherlands Minister for Development Cooperation, had organized a side event on the appalling humanitarian situation and decreasing access for humanitarian organizations in Somalia, in particular, and the Horn of Africa more generally. In Somalia, UNHCR staff, vehicles and supplies were regularly the target of attacks, raising the question whether the relief operations could be continued in the near future. The Netherlands would reflect with UNHCR and its

partners on how to resolve the dilemma of reconciling humanitarian principles and security considerations.

22. Observing that a relatively small number of countries provided a very large proportion of UNHCR's budget, he appealed to other donors, including the private sector, to contribute more generously to UNHCR's work. He welcomed the active involvement of UNHCR in the United Nations "Delivering as One" initiative, and called on UNHCR to continue its efforts in that regard, as the initiative could be crucial in securing the transition from relief to development. He announced that changes – designed to speed up and improve the precision of procedures – were currently being considered to Netherlands asylum legislation. The Netherlands supported a Common European Asylum System which would achieve a better balance in burden-sharing among European Union Member States. The Netherlands itself did its utmost to meet its resettlement quota.

23. During the Ministerial Asylum Conference entitled "Building a Europe of Asylum", held in Paris on 8 and 9 September 2008, the Netherlands State Secretary for Justice had presented a plan dealing with all aspects of the needs of refugees and asylum-seekers from Iraq. The Minister had argued for a "reintegration support plan" to stimulate the sustainable return of Iraqis to their country. A joint European approach to providing protection to Iraqi refugees would be part of the plan, which would also include resettlement. The Netherlands thanked UNHCR for its willingness to contribute to that European Coherence Plan for Iraqi refugees and asylum-seekers.

24. **The CHAIRMAN** invited the High Commissioner for Refugees to respond to those statements.

25. **Mr. GUTERRES** (High Commissioner for Refugees) welcomed the cooperation that had been established with Finland, currently a major donor country, and commended still further the widely-known improvements that had recently been introduced to Finland's asylum system, as well as the adoption of the national action plan for the implementation of Security Council resolution 1325, since the empowerment of women and girls was crucial if the challenges of protection and development were to be met.

26. Observing that, as a result of its strategic position, Thailand had become both a major country of transit and a major destination, he said he was ready to work more closely with the Government to resolve the difficulties encountered more particularly with the Myanmar refugees who were not registered at the camps and the Lao Hmong community, and to provide the refugees with protection and assistance, avoiding refoulement wherever possible. He was profoundly grateful to the Ugandan Government for the generosity and hospitality that Uganda had always displayed in accepting many refugees from neighbouring countries and for the exceptional level of protection given, in the context of full status, to those individuals in need who were allowed to become established, cultivate the land and have access to the education and health care systems. He called on the international community to support the programmes of resettlement assistance which the Ugandan Government was implementing to help Ugandans displaced in northern Uganda.

27. In response to Germany's representative, he stressed the importance of evaluating and managing UNHCR's know-how in order to improve its activities overall. On that point, and as the Netherlands' representative had remarked, he noted that, in the current difficult circumstances, it was necessary to extend the donor base and encourage the wealthier States to contribute to humanitarian efforts made not just under bilateral agreements but also systematically, under the auspices of multilateral organizations. He commended the initiative that Germany had recently taken in relation to the resettlement of Iraqi refugees and the changes to the eligibility criteria in the context of the existing European programme.

28. He welcomed the improvements to the asylum system undertaken by Costa Rica's Government and stressed the importance of the forthcoming Regional Conference on the protection of refugees and international migration in terms of defining migration and border management policies. He also congratulated Brazil's Government on its asylum policy and civil society generally for the way in which refugees were welcomed in Brazil. Brazil had some of the world's most advanced legislation on migration.

29. He assured the representative of Yemen that, as recently agreed, UNHCR would boost its capacity to intervene in Yemen to deal with the massive influx of refugees via the Gulf of Aden, and he called on the international community to take a greater interest in the tragic situation of the many refugees who fell prey to traffickers in the region and commit to helping the people of Yemen who were themselves suffering from internal displacements. He also welcomed the fact that the UNHCR'S non-binding recommendations had been transposed into Portuguese domestic law.

30. He thanked Kenya's representative for the hospitality that country had long shown to refugees and for the openness that Kenya had always displayed in working with UNHCR to accept many Somali refugees. He acknowledged the strain that the presence of those refugees was placing on the country, particularly in Dadaab where some 250,000 people were currently living, and said that he had convened a meeting on the matter with the African Bureau for the following week. Moreover, UNHCR was keen to see Kakuma refugees return to southern Sudan, as soon as the dry season returned.

31. In conclusion, he commended the Netherlands, one of UNHCR's most reliable sources of funding, on its contribution to creating the European asylum system and harmonizing the levels of protection accorded, primarily to Iraqi refugees.

32. **Mr. BADR** (Egypt) supported the statement made by the representative of Côte d'Ivoire on behalf of the Group of African States. He called on the developed countries to play an effective role in sharing the burden of responsibility for assisting refugees. If international protection were genuinely to be put into effect, governments and donors would have to increase their financial aid and take account of the repercussions that the programmes could have at socio-economic level and in relation to the security of host communities.

33. Egypt supported UNHCR's efforts to identify durable solutions, particularly in the form of voluntary repatriation, and welcomed the operations which UNHCR had organized for that purpose in a number of African countries, as well as the resources deployed by way of cooperation to facilitate the voluntary return of Sudanese refugees from Egypt to Sudan. Egypt also welcomed the fact that assistance had been given to Iraqi refugees and displaced persons but considered that the international community needed to demonstrate greater solidarity in sharing the burden with Iraq's neighbours. Egypt was in favour of the increasing role UNHCR was playing in aiding and protecting refugees within their own countries under the cluster approach and, in that connection, considered that UNHCR's actions should not be impeded by regional institutions.

34. Egypt also welcomed the decisions taken in March in relation to administrative and structural reform, as it was important to ensure that the available resources funds should go directly to refugees. It thanked the High Commissioner for having taken the initiative of organizing an event in Cairo, in November, in cooperation with the Arab League, to mark the publication of a study on the concept of asylum in international law and Islamic Sharia.

35. **Ms. RODRIGUEZ** (Mozambique) said that her delegation supported the statement made by the representative of Côte d'Ivoire on behalf of the Group of African States. Mozambique was currently providing shelter to 7,000 asylum-seekers and refugees, mostly from the Great Lakes Region. Despite some operations to repatriate refugees to the Democratic Republic of Congo during the past year, refugee numbers was not decreasing,

and Mozambique was witnessing a new wave of asylum-seekers, mainly from refugee camps located in neighbouring countries. Mozambique considered it necessary to speed up repatriation to countries where peace had been restored and the processes of reconstruction and democratization were under way. As one of the pilot countries implementing the "Delivering as One" initiative, Mozambique remained convinced that the ongoing reforms in UNHCR in particular, and within the United Nations system more generally, would enhance its Government's capacity to cope with the refugee issue. In that connection, Ms. Rodriguez said that it had not been necessary to resort to application of the Contingency Plan Proposal, which the Government drawn up with UNHCR's help, to cope with a possible influx of refugees during the election period in Zimbabwe, as the situation in the borders had not assumed the feared proportions.

36. In this year of the 60th anniversary of the adoption of the Universal Declaration of Human Rights, the world was beset with a multitude of crises which had the greatest impact on the developing countries. That situation encouraged the development of the conflicts which were the main source of movements of internally displaced persons, refugees and mixed migration flows. Mozambique was persuaded that the philosophy that prevailed within UNHCR, combined with the political will of the Member States, would create the conditions that would allow UNHCR's strategies and programmes to be implemented. It also stressed the importance of extensive partnerships between UNHCR and other organizations, given the rise in population movements, particularly in the continent of Africa where the number of displaced persons was an alarming 17 million. It was against this background that the African Union had decided to hold a Special Summit on Refugees, Returnees and Internally Displaced Persons in Africa, with a view to adopting a convention on the protection and assistance of internally displaced persons.

37. **Mr. DOMEQ** (Spain) supported the statement made by the representative of France on behalf of the European Union. He was concerned to see that the number of refugees in the world was increasing, after numbers had fallen over several years. Spain backed the action UNHCR was taking to guarantee these refugees international protection. Spain's international policy mirrored its citizens' values and the solidarity they spontaneously displayed in response to humanitarian crises in other countries. Persuaded that effective multilateralism was the only way of providing an appropriate response to the challenges of today's world, the Spanish Government considered that new rules of international governance were needed to resolve current conflicts and their causes, based on dialogue and international cooperation, preventive and pragmatic diplomacy and absolute respect for the rule of law and international legality. That commitment by Spain had taken the form of a very substantial increase in its contribution to United Nations agencies and programmes, including UNHCR. The recent reform of the Spanish International Development Cooperation Agency (AECID) had boosted the resources available to Spain to assist in international emergencies, as a result of the creation of a humanitarian response bureau, a significant increase in its financial resources and greater flexibility in terms of its capacity to intervene in humanitarian emergencies. The Spanish Government also expected a cooperation agreement to be concluded in the near future between the AECID and UNHCR to strengthen the positive cooperation between the two bodies in recent years, particularly in Africa, Asia and Latin America.

38. In this year of the 60th anniversary of the Universal Declaration of Human Rights, Spain considered it important to reaffirm the right of asylum, which should not be undermined by national policy or legislation, and called on all States that had yet to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Additional Protocol to do so. Spain remained deeply concerned at the protracted nature of various refugee situations and those affecting internally displaced persons, such as in Darfur, Iraq, Afghanistan or Pakistan, and, at the same time, commended the generosity of the developing countries that were accepting large numbers of refugees, including Syria,

Jordan, Iran, Pakistan and Ecuador, which needed to be given more assistance. It considered it particularly appropriate that the issue of protracted refugees was a priority for the Executive Committee for 2009 and the subject of the High Commissioner's Dialogue on Protection Challenges that would be taking place in December 2008.

39. Turning to the question of Western Sahara, and separately from the search for a definitive solution under the auspices of the UN, Mr. Domecq called on Algeria and Morocco, countries with which Spain had friendly relations, to reach agreement and consolidate confidence-building measures, for humanitarian reasons, in an effort to resolve the serious problems people in the Tindouf camps were experiencing. An increased level of funding was needed for this.

40. **Ms. KANGIWA** (Nigeria) said that her delegation endorsed the statement made by Côte d'Ivoire on behalf of the Group of African States. She commended UNHCR and the governments and agencies working to protect and assist the very many people in the world that crises and various catastrophes had robbed of their prospects for the future. To improve the circumstances of these individuals, it was vital that stakeholders harmonize their efforts to find durable solutions and bring protracted refugee situations to an end.

41. The return to peace and normalcy in Liberia and Sierra Leone since 2003, and the election of democratic governments, had made it possible to embark on a process of reintegration and reconstruction in those countries, and that had facilitated the return of refugees. Liberia and Sierra Leone and Nigeria had signed with the Economic Community of West African States (ECOWAS) and UNHCR a multipartite agreement for the local integration of Liberian and Sierra Leonean refugees in Nigeria, which was to become a framework for integration for the ECOWAS countries. The Government of Nigeria had invoked the cessation clauses on refugee status in relation to the Liberian and Sierra Leonean refugees as of 31 December 2008. But there was a problem, as UNHCR had invoked the cessation clauses in regard to the Sierra Leonean refugees exclusively, while other countries had invoked them in relation either to the latter or to the Liberian refugees. This clearly revealed the need for greater uniformity, not just in the sub-region but also at international level, in order to synchronize international protection and intervention. Finally, the Nigerian Government's partnership and collaboration with UNHCR in connection with the programmes to reintegrate Nigerian returnees in Gembu, in Taraba State, had been a great success. The Gembu project now constituted a case study of good practice in regard to returnees.

42. **Ms. OVERVAD** (Denmark) said that Denmark aligned itself with the statement made by France on behalf of the European Union and strongly backed the High Commissioner's efforts to make UNHCR a more flexible, efficient and cost-effective organization that would have an improved impact on its beneficiaries globally. The Danish delegation commended UNHCR for its successful relocation of administrative and technical staff to Budapest and looked forward to being informed of the results of decentralization on the ground. She stressed UNHCR's key role in reforming humanitarian action and commended its commitment to displaced persons whose numbers were rapidly growing and whose humanitarian and protection needs had often been neglected in the past. The growing number of urban refugees in megacities around the globe was a significant issue that was confronting UNHCR with a completely new working environment. The Danish delegation looked forward to being informed of UNHCR's activities in this evolving field.

43. Climate change had yet to produce all its effects and was likely to have serious economic and social consequences in the coming years in several countries, while a number of existing patterns would undergo a process of acceleration. For instance, access to water could become a new trigger for conflict, and that could increase the number of displaced persons. One of the priorities of the 15th Conference of the Parties to the United Nations

Framework Convention on Climate Change, which Denmark would be hosting in 2009, would be to strengthen emergency responses. National action plans should take account of the consequences of climate change not only for refugees and displaced persons, but also for urbanism and for refugee movements and movements of displaced persons globally.

44. The UN reform and the “Delivering as One” initiative provided important opportunities for improved coordination of the activities of the United Nations system at national level. For UNHCR, these reforms should mean enhanced opportunities for implementing reintegration activities, as well as national development and poverty-reduction programmes that took better account of displaced persons. The High Commissioner had stressed, in his introductory remarks, the potential of the “Delivering as One” initiative as a way of involving the whole of the United Nations system in the search for durable solutions, and was to be commended for this. Finally, Denmark welcomed the strengthened partnerships between UNHCR and NGOs with a proven capacity to implement humanitarian and rapid recovery programmes, as well as with the Office for the Coordination of Humanitarian Affairs (OCHA).

45. **Mr. CUCIĆ** (Serbia) congratulated UNHCR on its efforts to resolve protected refugee situations. Serbia, the only country in Europe experiencing such situations, was resolutely committed to protecting and assisting all persons displaced by past conflicts who were residing in its territory. Serbia was currently host to the largest number of refugees in Europe, having, in the last 16 years, taken in some 830,000 persons affected by the conflict. While the number of refugees registered in Serbia had now fallen to approximately 97,000 persons, it was also necessary to take account of the 209,000 internally displaced persons who had fled Kosovo and Metohija. The Serbian delegation noted with regret that the UNHCR 2008 update for Europe failed to mention the problem of the large number of displaced persons who had fled Kosovo and Metohija.

46. In Serbia, the situation in collective centres remained serious, with 6,200 people still living in them, some for more than 15 years. The situation of the 40,000 internally displaced Roma, who were living in unhygienic settlements, was especially worrying. More than 200,000 refugees had obtained Serbian citizenship over the past 10 years, but a new problem had arisen because the refugees had stopped requesting cancellation of their refugee status, as they could see no possibility of recovering their rights if they became Serbian citizens. Serbia’s Commissariat for Refugees was currently working with UNHCR to draft changes designed to update the national strategy for resolving the problems of refugees and internally displaced persons, in an effort to find durable solutions to protracted refugee situations.

47. The Serbian delegation stressed the importance of the restitution of individual occupancy and property rights, without any discrimination, in the countries of origin, and regretted the fact that the Sarajevo Declaration, the sole existing regional framework for resolving the refugee situation in south-eastern Europe had not been mentioned in the update on UNHCR’s European operations. Compliance with the obligations concerning the restitution of individual rights or, failing that, the granting of adequate compensation, offered the countries of the region a European perspective. Serbia had committed itself to fulfilling all its obligations in that regard as a condition for acceding to the European Union, and expected all other countries in the region to do the same.

48. **Mr. GIGABA** (South Africa) said that his delegation aligned itself with the statement made by the representative of Côte d’Ivoire on behalf of the Group of African States. South Africa, where significant progress had been made in the fight against racism and xenophobia since the advent of democracy 14 years ago, was committed to remaining one of the leading nations in this area. Consequently, no-one could be more aware of the gravity of the criminal violence inflicted on South African nationals and foreigners in May 2008, which had left 62 people dead, including 22 South Africans, and had resulted in

thousands of people being displaced. The violence had been condemned by all South Africans, and the Government had learnt important lessons from it. South Africa experienced mixed migration flows. The immigrants were often fleeing a difficult situation or persecution in their countries of origin. They lived in poor localities where they competed for poorly paid jobs with local people, who blamed the immigrants for their economic problems. Although the movement of persons within the Southern African Development Community (SADC) had increased, the member countries lacked the resources to manage migratory movements, which were not always predictable.

49. Following the violence, the South African Government had refused to accept any excuses and had responded swiftly, working with local and international NGOs and UNHCR, to quell the violence, arrest and prosecute the perpetrators and protect the victims; to provide humanitarian assistance to all the victims, including those with irregular status, based on a human rights approach; and to seek medium and long-term solutions that could require a review of some policies such as immigration and asylum policies. Acting with their partners, the South African authorities had publicly emphasized the positive contribution of international migration to the economy and to social and cultural life, and, without minimizing the genuine concerns of South Africans, had reminded people of the country's obligations towards refugees and asylum-seekers. They had taken urgent measures to improve the asylum system and processes. At the same time, they had worked to find a peaceful solution to the situation in Zimbabwe, mindful of the fact that there could be no instant solution. The South African Government was determined to do all it could to ensure that such incidents never recurred and reiterated its apologies to the international community and its fellow African countries for the suffering caused to their nationals during these events.

50. **Mr. LOULICHKI** (Morocco) commended the process of administrative reform and budgetary restructuring set under way by UNHCR, but noted with regret that, despite these efforts, the available resources still failed to match requirements. Morocco was in favour of strengthening UNHCR and had significantly increased its financial contribution; its contribution of \$500,000 in 2008 would be equalled in 2009. In order to fulfil its responsibilities in regard to protection and assistance, UNHCR needed to strengthen its presence on the ground, and this required free and full access to refugee camps to assess real needs and ensure that aid was not siphoned off. The Global Needs Assessment had therefore to be based on proper knowledge of the data on the ground. It was vital, in that regard, that UNHCR should have reliable and exact statistics concerning the beneficiaries of the aid in the field, and the asylum countries had a duty to cooperate with this.

51. The Moroccan delegation wished to draw attention to the situation in the Tindouf camps in Algeria where people were living in alarming conditions and still depended on humanitarian assistance that was supplied on the basis of unusual and unclear criteria. It reiterated its appeal for UNHCR to have direct and free access to the camps to allow it to establish the number of beneficiaries and their real needs, using UNHCR's global standard registration system, ProGres, which had been proven to be effective in situations of this kind.

52. Mr. Loulichki reminded the Executive Committee that, at its fifty-eighth session, the Moroccan delegation had requested that the secretariat should draw up a factual and detailed report on the situation in the Tindouf camps, and the High Commissioner had agreed to this. The report had yet to materialize, and Mr. Loulichki wanted to know the reason for the delay.

53. The Moroccan delegation was persuaded of the advantages of decentralizing and regionalizing UNHCR's structures and functions, but considered it crucial that this approach should fit in with the "Delivering as One" strategy to avoid weakening the regulatory function of UNHCR headquarters, duplication and a lack of consistency in the

activities of the partners involved. It fully endorsed the draft general conclusion on international protection and awaited with interest to the Dialogue on Protection Challenges to be held in December 2008.

54. **Mr. DAHLGREN** (Sweden) said that it was absolutely necessary to create structures within UNHCR that enabled the organization to meet the needs of the people who fell within its remit flexibly and effectively. Sweden was pleased by the direction UNHCR had taken in this process and urged it to press on according to schedule. It awaited with interest specific information on the impact of the reform and any positive effects it had had for beneficiaries of UNHCR's work.

55. During its presidency of the European Union in 2009, Sweden would focus on bringing forward the Common European Asylum System, in particular in terms of furthering the harmonization of asylum legislation and developing the external dimension of asylum. Important aspects for Sweden included the creation of a common resettlement programme and closer cooperation with third countries in order to increase their capacity to provide protection. This work would be done in cooperation with UNHCR. As regards the reforms in relation to humanitarian action, Sweden considered it important that UNHCR should continue to strengthen its role as lead for the three crucial clusters and to provide strong support to the Emergency Relief Coordinator at global level and the humanitarian coordinators at country level.

56. Sweden welcomed UNHCR's improved financial situation and commended UNHCR on its efforts to draw up a genuinely needs-based budget. A needs-based budget was an important means of advocacy, made it easier to establish priorities and contributed to results-based management. Sweden called on donors to provide increased, predictable, timely and flexible funding to UNHCR and its humanitarian partners. Mr. Dahlgren stressed the importance of the security of humanitarian staff working in the field, and said that Sweden would do all it could to support the High Commissioner's efforts in that regard.

57. **Mr. PORTALES** (Chile) said that the Mexico Declaration and Plan of Action, adopted in 2004 by 20 Latin American countries, including Chile, had become an effective instrument for protecting refugees and displaced persons in that part of the world. Its most innovative feature, the solidarity resettlement programme, enabled any Latin American country to offer to take in refugees from other Latin American countries, if it had the capacity to do so. Chile had accepted a number of refugees within this framework since 1999, including 91 Colombian refugees from 2005. In response to an appeal from UNHCR and the international community, it was accepting, in 2008, a group of 116 Palestinian refugees from Iraq. In regard to the reform of UNHCR's structures and functions, Chile supported the policy of decentralization and regionalization which it considered an important way of boosting UNHCR's effectiveness. In conclusion, Mr. Portales reiterated his Government's intention of continuing to cooperate in UNHCR's programmes and in assisting and protecting refugees and internally displaced persons.

58. **Mr. JAZAÏRY** (Algeria) said that his delegation aligned itself with the statement made by the representative of Côte d'Ivoire on behalf of the Group of African States. He noted that, in recent years, humanitarian action had been jeopardized by a serious financial and food crisis and by the weight of the burdens that fell to the host countries, particularly the developing countries. He reminded the Committee that the countries of the southern hemisphere took in the vast majority of refugees and that theirs was a vital contribution to refugee protection. He stressed that the high-level dialogue on protection challenges, set under way in 2007 by the High Commissioner, was to be commended. He also called for UNHCRs' cooperation with international organizations, particularly the International Organization for Migration, to be strengthened in an effort to tackle refugee problems in the context of migratory movements. He also reaffirmed that the issue of internally displaced

persons was a major concern that had to be dealt with in the light of each international organization's sphere of responsibility.

59. As far as the Saharawi refugees in Tindouf were concerned, Mr. Jazaïry said that the representative of Morocco had made distressing allegations. The accusation of a lack of transparency in the distribution of food aid to the Saharawi refugees in Tindouf had been refuted by UNHCR at the time and was unfounded. Algeria already bore the brunt of the burden involved in hosting the refugees. Morocco's representative had also referred to the question of drawing up a register of refugees but had failed to mention that, as part of the proposed settlement signed by his country and the Polisario Front, an identification commission had been set up and had registered 135,000 Saharawis between 1997 and 2000. Mr. Jazaïry reaffirmed that Algeria was prepared to restart the registration process in connection with the implementation of the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO). It was the policy Morocco had adopted of obstructing the carrying out of the referendum decided by the United Nations that had blocked the process. As far as the allegations concerning the false imprisonment of Saharawis were concerned, the High Commissioner had recently visited Tindouf and spoken with Saharawi refugees. Patently, the High Commissioner not acquiesced in a measure of false imprisonment by Algeria.

60. **The CHAIRMAN** said that Morocco could exercise its right of reply after the High Commissioner had made his statement.

61. **Mr. GUTERRES** (United Nations High Commissioner for Refugees) thanked the Egyptian Ambassador for having announced that the League of Arab States and UNHCR were jointly publishing a study of the sources, in Arab tradition and Islamic law, of modern international law on refugees. He expected to travel to Cairo for a joint presentation of the study by the Arab League and UNHCR and hoped that it would encourage an understanding of the importance of the tradition of hospitality for the Arab world and Islam more widely. He had recently visited Sharm el Sheikh to review the refugee situation in Egypt with the Foreign Minister, with particular emphasis on the flow of refugees from Eritrea and issues of refoulement and transit. He stressed that UNHCR had established a very open dialogue with the Egyptian authorities in order to resolve these difficult problems.

62. Mr. Guterres said that the tradition of protecting refugees in Mozambique was very important and helpful and that the country had seen two significant developments. Firstly, Mozambique had become a pilot country for the "Delivering as One" initiative and, secondly, as a result of Mozambican Government's decision to permit refugees to be integrated at local level, there was now the prospect of cooperation between the Mozambican authorities and the different United Nations agencies to create the kind of conditions that were conducive to hosting refugees on a sustainable basis.

63. Mr. Guterres welcomed the fact that Spain had set in place a raft of best-practice measures for the protection of refugees, particularly in the Canary Islands, where asylum-seekers in need of protection had all the information they needed to apply for asylum and their applications were properly dealt with. This demonstrated that it was perfectly possible to apply a responsible migration and border management policy, while at the same time protecting refugees and respecting the right of asylum.

64. Mr. Guterres thanked the representative of Nigeria and stressed that the Protocol on free movement of persons, the right of residence and establishment in the ECOWAS sub-region was a very important instrument that made it possible to integrate refugees at local level, particularly refugees from Sierra Leone and Liberia. Nigeria had accepted many of these refugees, and some had remained there as a result of the opportunity for local

integration which the protocol offered and the cooperation between the ECOWAS Member States under the protocol.

65. Mr. Guterres welcome Denmark's support for the UNHCR's refugee assistance programmes, as well as its very active policy of support for communities that took in refugees (in Uganda, for instance). It was important for UNHCR to create links between that kind of policy and the "Delivering as One" initiative in order to unite the United Nations system around common measures to assist refugees and the development process required to enable refugees returning to their countries to be reintegrated.

66. Mr. Guterres stressed the importance which UNHCR attached to Serbia continuing its activities in relation to the refugee problem in the Balkans, particularly in Serbia itself. A high-level meeting had been held just prior to the Dialogue on Protection Challenges, and the Serbian, Croatian and Bosnian Governments had taken part in it, not in order to replace the Sarajevo Process but to strengthen it and provide an effective solution to the ongoing problems in this area. UNHCR was counting on the Serbian Government's cooperation in the initiative.

67. Mr. Guterres thanked the representative of South Africa for his courageous statement about the need to tackle the underlying causes of the refugee-linked problems, poverty being, in general, the main source of problems in this regard. Moreover, it was true that encouraging tolerance was the most important aspect of the measures designed to strengthened the protection of refugees in the world, as it was impossible to guarantee their protection if communities rejected them. During his recent mission to South Africa, Mr. Guterres had seen how difficult it was to apply a very generous policy in practice. He was preparing to cooperate with the South African Government to bridge the gaps and set in place a policy whose implementation would fully reflect the generous principles on which it was based.

68. Mr. Guterres thanked the Moroccan Ambassador for his statement, which needed to be set alongside that of the Algerian Ambassador. He commented, in that regard, that the problems of refugees always had political roots and that theirs was always a political solution. At the same time, he considered that the international community was under a strict obligation to guarantee the non-politicization of its refugee-related activities. As far as the Saharawi refugees were concerned, he was aware that the level of humanitarian assistance that UNHCR was able to provide was insufficient, and he undertook to expand UNHCR's programme. Mr. Guterres intended visiting the region in 2009 and tackling the issue of registration, as UNHCR had not yet succeeded in establishing the conditions that would permit registration to take place. In reply to the question raised by the Moroccan Ambassador, Mr. Guterres said that the report in question had not been drawn up because the UNHCR office in Algiers had been the victim of a suicide attack that had significantly slowed down its activities. Nonetheless, UNHCR had established exceptional cooperation with the Algerian and Moroccan Governments and was endeavouring to work for the welfare of the Saharawi community.

69. Mr. Guterres said that Sweden had made an extremely significant contribution to UNHCR's activities throughout the world. The statement by Sweden's representative prompted a more detailed study of the possible impact of the Global Needs Assessments on the work done by UNHCR within the framework of its different partnerships. The protection of refugees and assistance to refugees were key elements in this assessment of needs. There were two areas in which assessments of needs could be properly carried out only within the framework of very close partnerships. The first concerned internally displaced persons. In that connection, UNHCR and OCHA representatives were today meeting to look at ways of working together on this issue. The problem that arose was initially one of timing. To be effective, these activities had to appear on the UNHCR budgets for 2010 and 2011, but the work done by the humanitarian assistance community progressed more slowly. The second area in which partnerships were needed related to

reintegration and support for zones affected by the presence of refugees. Until these partnerships produced results, UNHCR would try to assess the needs to which it could respond on an individual basis. In addition, Mr. Guterres stressed the importance of setting in place the European asylum system. The main gap in this area was the failure to harmonize legislation and the absence of a genuine European programme for the resettlement of refugees. These were two extremely important aspects on which progress could be achieved.

70. Turning to Chile, Mr. Guterres welcomed the solidarity resettlement programme implemented under the auspices of the Mexico Action Plan, as well as the initiative Chile had taken to resettle Palestinian refugees from the Iraqi border area, with the agreement of the Palestinian Authority. Combined with a similar measure taken by Brazil, the two initiatives had had a significant impact.

71. **Mr. LEE Sung-Joo** (Republic of Korea) welcomed the ongoing reforms undertaken by UNHCR and commended the notable achievements already made, including the official inauguration of the Global Service Centre in Budapest in February last, which should further increase the efficiency of headquarter activities. He welcomed the new version of the Focus results-based management software and the approval by the Standing Committee, at its forty-first session, of the new results-based budget structure. However, steps had still to be taken to accomplish the ultimate goals set out at the start of the reform process. For instance, the decentralization and regionalization measures should now be followed by the establishment of the global accountability framework and the empowerment of regional offices.

72. Mr. Lee Sung-Joo welcomed the extent of the measures taken by UNHCR for the prevention of sexual and gender-based violence and violence against children under the ADGM strategy. He supported the action plan initiated by UNHCR and commended UNHCR's efforts to prevent the refoulement of refugees. He pointed out that all countries needed to respect the fundamental principle of non-refoulement. Working closely with UNHCR, the Korean Government had extended its participation in activities designed to provide durable solutions to refugee issues. As part of this effort, the Korean Government had recently initiated regular bilateral consultations with the UNHCR office in Korea.

73. **Ms. JOINER** (African Union) stressed the historic importance of the privileged partnership between the Commission of the African Union and UNHCR. UNHCR's widespread presence in Africa and its close proximity to displaced populations added immense value to this partnership. The African Union associated itself with the statement made by Côte d'Ivoire on behalf of the Group of African States and was concerned by the continuing influx of refugees and internally displaced persons as a result of the insecurity and conflicts that persisted in various parts of the continent. This situation was further compounded by natural disasters and the effects of climate change. Ms. Joiner thanked the host countries for the generosity they were displaying and said that the Commission of the African Union wished to continue to work together with the refugees' countries of origin to promote peace, security and national reconciliation, and to enable all displaced persons to return home.

74. The African Union was concerned about the impact of climate change, the increase in the price of oil and the current food crisis. The African continent continued to experience serious drought and flooding, and several studies showed that Africa would be one of the continents worst affected by climate change, which could provoke large-scale displacements of populations as a result of the increasing frequency and magnitude of natural disasters. The Commission of the African Union continued to make financial contributions to those of its Member States that were facing these problems. That said, it urged the international community to continue to provide and to increase its humanitarian and development assistance to Africa.

75. The Commission of the African Union was currently preparing for the African Union Special Summit of Heads of State and Government on refugees, which would take place in Uganda in April 2009. The outcome of the summit was expected to be the adoption of a declaration that would provide the foundation for the African Union's strategies in the coming years, and an African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. In spite of all the efforts made to protect and assist refugees, access to humanitarian assistance remained a major challenge. The standards of protection and assistance given to displaced persons in Africa were generally very low, while the majority of refugees and internally displaced persons depended increasingly on humanitarian assistance for their survival.

76. The Commission of the African Union had a keen interest in the new approach devised to assess global needs and urged UNHCR to provide more detailed explanations of the criteria that would be used to assess these needs and, in particular, to define priorities in this field. While recognizing the merits of the "Delivering as One" initiative, the African Union noted that questions remained concerning the relationships between UNHCR and its partners in several development fields. These relationships had yet to be defined, and detailed agreements on burden sharing had still to be concluded between all the relevant actors in the field.

77. **Mr. GUTERRES** (United Nations High Commissioner for Refugees) expressed his supported for the important initiatives the representative of the Commission of the African Union had mentioned. He added that UNHCR's cooperation with Korea played an important role, and he welcomed the dialogue established between UNHCR and Korea with the aim of guaranteeing that as many North Korean refugees as possible should be brought discreetly to South Korea.

78. **Mr. LOULICHKI** (Morocco) said that he had given the floor to the Chairman out of politeness and respect for the High Commissioner, but had not been able to exercise his right of reply. He asked the Chairman when he would be able to exercise that right.

79. The **CHAIRMAN** said that the representative of Morocco would, if he wished, be the first to speak at the following day's session.

The meeting rose at 6.15 p.m.
