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

Fifty-eighth session

SUMMARY RECORD OF THE 614th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 3 October 2007, at 3 p.m.

Chairman: Mr. MTESA (Zambia)

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(a) INTERNATIONAL PROTECTION

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The meeting was called to order at 3.20 p.m.

GENERAL DEBATE (agenda item 4) (continued)

1. Mr. CASSAMA (Observer for Guinea-Bissau), commending the High Commissioner on the proposed reform of UNHCR, said that the conflict under way in southern Senegal since 1983 had attracted no attention, although it destabilized three countries: Guinea-Bissau, Senegal and Gambia. While the conflict was not causing a large-scale humanitarian emergency, around 8,000 Senegalese had already sought refuge in Guinea-Bissau. They were currently living among the local population in extreme poverty and with virtually no facilities. From 2004 to 2006 UNHCR had provided support through microcredit projects, but such support was inadequate and often difficult to manage. The other two organizations working with refugees in the country, the Adventist Development and Relief Agency and the National Commission for Refugees had difficulty assuring follow-up. In 2006, the Office had provided approximately €150,000 for their basic operating costs.

2. It was difficult to predict how much longer the conflict would last. His Government had considerable difficulty in coping with the worsening economic crisis, which had serious repercussions for the refugees; however, it maintained an open policy of supporting the refugees as far as possible. The latest reports indicated that the refugees were becoming increasingly vulnerable to crime and prostitution and thus the risk of infection. The support provided by UNHCR was not sufficient to meet their basic needs. His Government hoped that with the Office's continued support it could deliver more effective assistance to refugees and facilitate their integration, focusing efforts on health and education facilities for children and conducting a new census of the refugees.

3. Mr. BAH (Observer for Sierra Leone) expressed appreciation to the Executive Committee for providing his Government with invaluable input for its strategy on managing the refugee situation. The Government was committed to addressing the root causes of the refugee problem in the subregion and viewed democracy, good governance and the rule of law as fundamental in ensuring peace and stability in countries emerging from war.

4. With the support of UNHCR, all but around 14,000 Liberian refugees had now been successfully repatriated, and plans for their local integration were far advanced. In that connection, he commended the Liberian Government for its active involvement in the process and for building on the experience of Sierra Leone. His Government remained at the disposal of its Liberian counterpart for any further assistance required with the refugees and internally displaced persons (IDPs).

5. The Mano River Union was still pivotal in maintaining peace and promoting subregional cooperation, and its membership was being broadened. He was heartened that the concerns raised in 2006 on the fragile peace in the subregion had received the necessary attention, and that the Ivorian and Guinean crises were gradually being resolved with the involvement of the international community. He called upon the United Nations Peacebuilding Commission to adopt a comprehensive approach to transitional issues for countries emerging from war in the subregion. He also thanked bilateral and multilateral donors and the international community at large for their support for the socio-economic recovery of Sierra Leone.

6. Mr. GUTERRES (United Nations High Commissioner for Refugees) acknowledged the enormous difficulties confronting the Government of Guinea-Bissau and said that the Office's support in that area was limited and needed to be stepped up. He congratulated the Government of Sierra Leone on its democratic elections and on one of the most successful voluntary repatriation exercises ever conducted in cooperation with UNHCR. He said that since development was a prerequisite for sustainable democracy and repatriation, the international community should support the development process, while the United Nations Peacebuilding Commission could help coordinate such support and thereby ensure its effectiveness.

7. Mr. LAMB (International Federation of Red Cross and Red Crescent Societies - IFRC) said that the fifty-eighth session of the Executive Committee was important for a number of reasons: it coincided with a record increase in the number of refugees and it followed the first International Conference on Addressing the Humanitarian Needs of Refugees and Internally Displaced Persons Inside Iraq and in Neighbouring Countries.

8. He welcomed UNHCR efforts to guarantee protection for refugees and asylum-seekers in mixed migration flows, as Governments often failed to take account of the fact that the two groups travelled together. He encouraged States to ensure that measures to curb irregular migration did not deny protection to persons fleeing persecution and armed conflicts. He also encouraged them to uphold the principle of non-refoulement and to develop clear and accessible migration systems.

9. He said that he looked forward to the Dialogue on Protection Challenges and that its focus on the asylum-migration nexus was long overdue. He hoped that discussion of protection in relation to the nexus would consider circumstances other than those pertaining to international refugee legislation. Many people migrated under dangerous and violent circumstances and the National Societies of the International Federation increasingly had to address the vulnerability and humanitarian issues associated with migration. He encouraged the High Commissioner to broaden the scope of the forthcoming Dialogue and to consider taking into account the views of National Societies and Governments.

10. Many of those wider range challenges would be discussed at the International Conference of the Red Cross and Red Crescent Movement in November 2007. The Conference should help Governments to recognize the value of closer interaction with the Red Cross and Red Crescent Movement Societies by providing examples of work being carried out in different countries and anticipating future partnerships with other sectors of civil society. Issues of common concern included the increasing displacement of persons due to environmental change and the need to protect people fleeing from hunger, to which the United Nations Special Rapporteur on the right to food had drawn attention in a recent report.

11. Efforts to streamline arrangements for cooperation between national societies and UNHCR on field projects had been under way for some time. In 2003, the Council of Delegates had adopted a resolution setting forth the minimum criteria for relevant agreements. Considerable progress had been made on a draft template agreement between the Federation and UNHCR, and he hoped that by the Council of Delegates Meeting in November 2007 the minimum criteria would form the basis of the Office's cooperation with national societies.

12. Ms. de CHUT DENG (Australian Council for International Development), speaking on behalf of a number of NGOs, expressed appreciation to the High Commissioner for his commitment to the Principles of Partnership outlined in the Global Humanitarian Platform. With regard to the situation in Iraq, she said that restrictive visa regimes that prevented Iraqis from leaving their country and low levels of humanitarian assistance were a cause of great concern. She called upon States to stop actively seeking to return Iraqi refugees. She welcomed the increased efforts of UNHCR to register Iraqi refugees, but noted that the United States had admitted fewer than 1,500 Iraqis in 2007, although it had received more than 11,000 referrals. Other States needed to consider resettlement programmes for Iraqis.

13. She welcomed the efforts made to find a durable solution for Palestinian refugees and Iranian Kurds in the Al-Ruwaishid camp, but stressed the need to ensure that remaining Palestinian refugees in camps on the border with the Syrian Arab Republic and Iranian Kurds stranded between Iraq and Jordan were provided with temporary protection and durable solutions. States must also honour the pledges undertaken at the international conference on Iraqi refugees and IDPs held in April 2007.

14. Turning to other humanitarian situations of concern, she said that almost 189,000 Afghan refugees had been deported from the Islamic Republic of Iran since April 2007 and there were plans to repatriate Afghans from Pakistan. In recent weeks renewed fighting in North Kivu in the Democratic Republic of the Congo had caused 10,000 people to flee to neighbouring Uganda, bringing the total refugee population there to more than 180,000 since December 2006. In the Sudan, the Government was attempting to dismantle refugee camps prior to the arrival of the United Nations - African Union hybrid mission. NGOs were furthermore concerned about the delay in determining the status of Chadians entering West Darfur. UNHCR and the Sudanese Commission of Refugees (COR) had recommended granting status to the whole group rather than to individuals.

15. The situation of Somali refugees in the Ogaden region of Ethiopia had reached crisis point; NGOs had been denied access to them since July 2007. In addition, Somali refugees were no longer able to seek refuge in Kenya, because the border had been closed in 2007; those refugees that had managed to cross the border had been returned by the Kenyan authorities. She called upon the latter to comply with their international obligations and on the international community to provide protection and assistance.

16. According to reports received from refugees in UNHCR camps in Africa, the Office was unable to provide free basic health and sanitation facilities. Humanitarian aid to Saharan refugees had furthermore been gradually reduced, a situation that she urged States to redress. In Timor-Leste, following the cessation of UNHCR operations, some 100,000 IDPs remaining in the territory required protection. Owing to security problems, NGOs, particularly national NGOs, were often forced to operate alone. It was vital that they should receive adequate and timely financial support.

17. She looked forward to the forthcoming Dialogue on Protection Challenges. Much work was needed to protect large numbers of migrants and guarantee access to asylum in the Mediterranean and other parts of the world. In that regard, NGOs were gravely concerned that

the restrictive policies of certain States were eroding the institution of asylum and violating human rights. Some States were intercepting migrants and asylum-seekers outside their territory, without clearly acknowledging their jurisdiction and responsibilities under international human rights law. She recalled that States bore responsibility for all their actions, regardless of where they took place. She urged UNHCR to publish guidelines on protection safeguards relating to interception measures and to step up its monitoring of such measures.

18. A decision by the Thai Government in May 2007 to ask UNHCR to stop the refugee status determination (RSD) process had resulted in a three-week cessation of RSD activities. She urged Thailand to allow UNHCR to protect and assist the persons of concern, who came from Myanmar.

19. Mr. GUTERRES (United Nations High Commissioner for Refugees), addressing the representative of IFRC, said that the dialogue between UNHCR and IFRC had created the conditions for more effective cooperation between the two organizations. UNHCR viewed its cooperation with IFRC as a cornerstone of its partnership framework, and the differences in their respective mandates allowed the two organizations to complement each other, to the benefit of their persons of concern. He welcomed the forthcoming IFRC conference and expressed the hope that it would result in new areas of cooperation with UNHCR. He also thanked the representative of IFRC for his useful comments on the asylum-migration nexus.

20. The Red Cross and Red Crescent Movement, NGOs and United Nations agencies, including UNHCR, worked as a global humanitarian partnership, achieving more together than they could individually. He thanked the NGO representative for her comments, especially regarding the failures of UNHCR activities. One of the most important elements of dialogue was the ability to express criticism freely and for the criticism to be taken seriously. Her comments would be carefully examined and would be addressed if they proved to be justified.

21. The CHAIRMAN, summing up the general debate, said that delegations had agreed with the High Commissioner that the international community was facing new and difficult challenges, especially in the light of climate change, environmental degradation and mixed migration flows, which added further complicated issues of forced displacement. While mention had been made of some successes, such as the granting of citizenship to 2.6 million persons in Nepal and efforts to return refugees to Mauritania, concern had been expressed at the rise in the numbers of refugees and IDPs and the worsening situation in countries such as Iraq, Afghanistan, the Sudan, Chad, the Central African Republic, the Democratic Republic of the Congo and Somalia. Particular mention had been made of Security Council resolution 1778 (2007) on the situation in Chad and of the contribution of host States, in particular the Syrian Arab Republic, Jordan, Pakistan and the Islamic Republic of Iran, to refugee protection. In the context of such challenges, the importance of safeguarding the core mandate of UNHCR as a protection agency had been reaffirmed.

22. Delegations had also expressed strong support for preserving the principle of the right to asylum. There had been calls for the High Commissioner to continue efforts on behalf of stateless persons and for States to accede to the 1954 Convention relating to the Status of Stateless Persons. Many delegations had also welcomed the evolving UNHCR role in assisting

IDPs, while recognizing that Governments bore the primary responsibility for such persons. Delegations had emphasized that work with IDPs should include exit strategies and should not undermine refugee protection. There had also been strong support for the cluster approach and the lead role of UNHCR in relevant clusters. Several delegations had asked for further evaluations of the cluster approach with a view to considering its extension to other situations.

23. UNHCR had been encouraged to strengthen its partnerships, especially with civil society, NGOs and IFRC, and to continue its engagement with the “Delivering as One” initiative, the Global Humanitarian Platform (GHP) and the United Nations Peacebuilding Commission. Strong support had also been expressed for the reform process, including outposting, decentralization and regionalization, the design of a methodology for the comprehensive field review, improved management of resources and the proposed new budget structure. Some delegations had nevertheless expressed reservations and had requested further consultations on the new budget. Support had been expressed for biennial budgeting and for a temporary increase in the appropriation level of the “New or additional activities - mandate-related” (NAM) Reserve.

24. There had been support for the Mexico Plan of Action and the 10-Point Plan of Action, though some delegations had called for further consultations on the latter. Appreciation had been expressed for the conference on Iraq held in April 2007, and the Committee was looking forward to the Dialogue on Protection Challenges in December 2007. While some delegations had cautioned that UNHCR should not be considered a “migration agency”, many had commented on the importance of ensuring protection in mixed migration flows and on the continued participation of UNHCR in the Global Migration Group. Many delegations had also welcomed the response by UNHCR to the development of a common European asylum system.

25. Delegations had reaffirmed that voluntary repatriation was the preferred durable solution, but that the gap between relief and development must be addressed for returns to be sustainable. Some examples of local integration had been described and a number of delegations had called for more extensive resettlement efforts. Attention had been drawn to the need to resolve protracted refugee situations, and there had been calls for additional international resources for that purpose.

26. Many delegations had described challenges and activities in their countries, including new programmes, improved asylum procedures, national legislation and tripartite agreements. Strong support had been voiced for the draft conclusion on children at risk, and some delegations had called for discussion of the process for elaborating the Executive Committee’s conclusions. There had been many calls for UNHCR to continue to address gender-based violence and to promote gender equality and mainstreaming. Delegations had expressed concern over failures to ensure adequate nutrition for refugees and urged the international community to attend to the issue. The importance of the safety of UNHCR staff and of implementing partners, had also been emphasized.

27. Mr. MARTÍNEZ MARTÍNEZ (Mexico) pointed out that the 10-Point Plan of Action and the budget had not yet been adopted. Although many States supported the Plan, it was still open to discussion.

28. The CHAIRMAN confirmed that several delegations had requested further consultations on the proposed budget and the 10-Point Plan of Action.

29. Mr. LEBEDEV (Russian Federation) said that while he was grateful that there had been mention of statelessness, he took the view that the subject merited more detailed discussion, since awareness of the problem remained insufficient. He expressed the hope that colleagues from the European Union would devote serious attention to the legal aspects of the issue; as the High Commissioner had noted, it was futile to become embroiled in political discussions. The problem affected the fate of hundreds of thousands of people in Central Europe who, for decades, had been unable to exercise their rights. The issue fell within the competence of UNHCR and the responsibility of member States.

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

(a) INTERNATIONAL PROTECTION (A/AC.96/1036, 1037, 1038, 1039 and Add.1, 1041, 1045, 1046 and 1047)

30. Ms. FELLER (Assistant High Commissioner for Protection), introducing the Note on International Protection (A/AC.96/1038), said that the UNHCR mandate for protection was becoming increasingly relevant. Refugees were present on all continents, as a result of war, violence, persecution, fear and a combination of man-made and natural disasters. The Note on International Protection mentioned some promising trends over the preceding year. Over 700,000 refugees had been returned in 2006, and 500,000 to date in 2007. Local integration was taking place and was yielding some very positive results in southern and West Africa and in Latin America. Resettlement referrals for 2007 already numbered over 43,000. Many States had facilitated and supported efforts by UNHCR to strengthen protection, including through the Strengthening Protection Capacity Project (SPCP).

31. The Note was structured around the six goals of the Agenda for Protection. Progress had been made on the goal of strengthening implementation of the 1951 Convention and 1967 Protocol through the development of new legislation and asylum support structures in some countries. However, finding asylum remained a matter of chance, due to inconsistency in applying convention standards. The widely divergent refugee recognition rate among States was a telling indicator. Research showed that asylum-seekers from Iraq, Sri Lanka or Somalia had very different prospects of success depending on where their claim was lodged. In some countries, including several which she had visited in 2007, asylum-seekers in detention were left in a legal limbo and the conditions of detention often seriously jeopardized their health and well-being. During a recent mission, she had seen overcrowded and badly-ventilated cells and had met Iraqis whose sentences for having entered illegally or overstayed had long expired but who had no prospect of being released, unless they were returned to Iraq. Privatization of detention facilities in some countries was undermining efforts to create alternatives to detention and blurring even further the distinction between refugee and non-refugee detainees.

32. UNHCR enjoyed productive collaboration with many States on the development of asylum systems, but, in some States, increasing populism, coupled with growing xenophobia and intolerance, hampered such efforts.

33. Capacity-building for asylum was particularly challenging in countries with large, mixed flows of asylum-seekers and migrants. The SPCP, which fell under her direct supervision, provided real assistance in that regard, had been well received and had won the confidence of host and donor States alike. Its strength lay in the clear identification of deficiencies and ways of remedying them. It was designed to improve the protection environment, and had generated over \$10 million to date in additional funding for refugee protection. She expressed the hope that it would replicate that achievement for initiatives benefiting IDPs and stateless persons.

34. With regard to migrants arriving by sea and their criminal exploitation by smugglers, UNHCR had yet to reach agreement with States on sea borders. States still refused to allow migrants to disembark and ship captains could refuse to carry out rescues. While the responsibility of States to protect persons intercepted or rescued in their territorial waters was clearly established, opinions still differed over protection obligations outside territorial waters. UNHCR took the view that States bore responsibility wherever they asserted jurisdiction. In that regard, UNHCR welcomed its burgeoning relationship with Frontex, the European external border management agency, and had also renewed partnerships with relevant organizations, including the International Maritime Organization (IMO), to explore cooperation on sea rescues.

35. UNHCR must engage constructively with migration issues as a protection agency and not as a migration agency. She was encouraged by the support expressed for the 10-Point Plan of Action, which focused on migrants not migration. Implementation of the Plan had begun in some regions. For example, UNHCR had already made arrangements with Central European authorities to jointly monitor land borders and airports.

36. The problem of secondary movements, would repay closer study, since it could undermine protection efforts. A “tool box” should be developed within the framework of the Plan, and UNHCR policy on the return of persons who did not need international protection should be reviewed. The limits of what UNHCR could do should be clearly delineated for the purposes of defining returns procedures.

37. The goal of more equitable sharing of responsibilities remained elusive, as starkly illustrated by the situation in Iraq’s neighbouring countries. The fact that Brazil and Chile had agreed to receive Palestinian refugees from camps on the Iraqi border was, however, a welcome contribution.

38. Resettlement remained an important protection tool and a tangible manifestation of responsibility sharing. However, women at risk often remained in peril until departure and the ability of UNHCR to provide them with emergency shelter or other facilities was limited. Delays in resettlement were further exacerbated by heightened security concerns. New initiatives were also needed to manage the effects on camps of resettlement of persons who provided essential services. Managing risk to ensure the integrity of resettlement remained a priority for UNHCR, in particular with regard to efforts to reduce opportunities for fraud or malfeasance.

39. UNHCR intended to prioritize the creation of protection space for refugees who would not be resettled, paying particular attention to protracted refugee situations where resettlement could be used strategically. Resettlement must not be used as an alternative to asylum or readmission, however.

40. She drew attention to the problem of refugees who were “unwanted” by resettlement countries, including politically sensitive ethnic groups, older persons, single men or persons with low levels of educational attainment. She wished to discuss that issue in greater detail with resettlement partners. While the Note on International Protection had reported significant progress with returns, ending protracted situations was both a collective responsibility and one of the greatest challenges facing UNHCR. She was looking closely at that issue with a view to finding more comprehensive solutions.

41. Promoting self-sufficiency helped end protracted refugee situations. Although dependency on subsistence-level humanitarian assistance often led to poverty, frustration and unrealized potential, the challenge was to convince Governments that self-reliance not only helped the displaced but also made sense economically and in terms of States’ security. It was necessary to address security concerns more effectively, as the tenuous security situation in many areas of displacement continued to undermine UNHCR protection efforts. Security was a real concern in the Office’s IDP operations and was one of the main hurdles for the protection cluster to overcome.

42. While the protection cluster formed the basis for better inter-agency collaboration and more accountable leadership, there had been calls for a serious review of protection conditions in the field, including the potential for adapting interventions to suit different operating environments. UNHCR was working to improve its interaction with civil society in order to develop self-regulating national systems to manage internal displacement and protect IDPs. IDP organizations could be leveraged in that regard.

43. Further thought must be given to the scope of protection in situations where lack of respect for basic rights was all-pervasive and to how better to marry the humanitarian, political and development agendas, particularly in seriously degraded environments. UNHCR had undertaken five real-time evaluations of IDP operations where the cluster approach was in place, which would be used to fine-tune its performance.

44. Improving protection for refugee women and children, combating sexual and gender-based violence and protecting groups with specific needs were priority objectives in all UNHCR operations. The independent evaluations of the Office’s work on sexual and gender-based violence and of the age, gender and diversity framework would be useful in measuring the impact of its initiatives and identifying areas for improvement. Attention would be paid to the role of prevention in response strategies, including the factors that put women and children at risk of violence.

45. At a recent meeting of the UNHCR reference group on field protection, an informal exchange had taken place between Executive Committee members and field representatives, who had discussed the utility of Executive Committee conclusions, and concerns about the process for drafting them. NGOs wished to have greater input in the drafting process, which UNHCR fully supported. The view had been expressed that, because of narrow national interests, the wording of conclusions was so watered down that the conclusions lost any practical utility. She did not agree. As the reference group had affirmed, the conclusions were regularly used in the

areas of advocacy, negotiations, capacity-building, and influencing judicial standard setting, and were particularly valuable for UNHCR work in non-Convention States. Governments themselves could do more to make the conclusions a living tool, and improve coordination of implementation efforts.

46. Other obstacles identified by field colleagues included the increasingly uneasy relationship between the Office and Governments about the discharge of UNHCR protection responsibilities in sovereign territories. Although that relationship was key to the implementation of the Office's activities, UNHCR was increasingly obliged to defend the very mandate that States had given it. The activities of the Office, which were defined in cooperation with host Governments, must be based on the common understanding that refugee protection was not an unfriendly act towards neighbours.

47. The lack of government engagement with refugee protection in some regions meant that UNHCR was often being obliged to fill a void. One indicator was refugee status determination, which had continued to increase, despite the decline in asylum-seeker numbers. Mandate status determination, however, could mean the difference between protection and refoulement. UNHCR should not, and could not, replace functioning national asylum structures but, in the absence of such structures, it had no choice but to exercise its mandate.

48. Its terms of reference meant that the office of Assistant High Commissioner for Protection added value for UNHCR by helping to strengthen the protection culture both inside and outside the organization. The Office's work had centred on the promotion of clear objectives, accountabilities and protection strategies and the development of policies on key areas such as the asylum-migration nexus. She looked forward to working with States on other challenges such as statelessness and the new dynamics of displacement, including as a result of climate change.

49. Mr. HUGHES (Australia) expressed his support for the efforts to reinforce the protection culture of UNHCR and initiatives such as the reference group on field protection. He commended the Office for its achievements as set out in the Note on International Protection and for innovative protection frameworks such as the 10-Point Plan of Action on refugee protection and mixed migration. He expressed his support for the work done by the Bureau for Asia and the Pacific in brokering solutions for Bhutanese and Burmese refugees trapped in protracted situations, to which Australia had contributed by providing resettlement places. He also appreciated Nepal's commitment to facilitate third-country resettlement while seeking a comprehensive solution for the Bhutanese refugees, and he welcomed the commitment of the Government of Bhutan to a just and durable solution. Australia supported the many refugee host countries in the Asia-Pacific Region, not all of which were parties to the Convention relating to the Status of Refugees, by providing resettlement places, funding projects to protect displaced persons and, more recently, funding an increased UNHCR presence in Indonesia.

50. He expressed support for the draft conclusion on children at risk, which was in line with Australia's Humanitarian Programme. Over half of those settled under the Programme in 2006-2007 were aged 17 and under, and Australia continued to resettle vulnerable unaccompanied minors. He expressed his support for the Executive Committee's thematic protection conclusions, and welcomed efforts to support the conclusions process.

51. He supported the renewed emphasis of UNHCR on resettlement and making full and effective use of all resettlement places available globally. Australia remained committed to providing successful post-arrival support for refugees, recently allocating over A\$ 200 million for that purpose. He drew attention to the vital role played by civil society in the protection of refugees and IDPs. In particular, he acknowledged the recent contribution of the University of New South Wales Centre for Refugee Research, the Victorian Foundation for Survivors of Torture and Amnesty International Australia to the development and testing of a heightened risk assessment tool, which should help meet the needs of particularly vulnerable refugees, including identification for resettlement.

52. Ms. AUCOIN (Canada) welcomed initiatives such as the High Commissioner's "Dialogue on Protection Challenges", the UNHCR Field Protection Reference Group and the work relating to age, gender and diversity mainstreaming. For her, the three priorities were: finding durable solutions for refugees in protracted displacement situations; continuing to protect refugees in the context of mixed migration flows; and supporting UNHCR coordination of the protection cluster.

53. Finding durable solutions for more than 6 million long-term refugees was part of the Office's mandate, and she hoped to see a corresponding UNHCR plan of action developed in 2008. Progress had been made in helping Bhutanese refugees in Nepal, and she urged Bhutan to facilitate voluntary returns. Solutions to protracted refugee situations should be flexible, multilateral, and allow refugees to articulate their needs and preferences. It was for UNHCR to coordinate and guide the appropriate responses by member States and partners.

54. She welcomed the High Commissioner's determination to address challenges posed by the asylum-migration nexus. Efforts to strengthen border and territorial security must be balanced against the imperative to provide protection, since mixed flows of asylum-seekers included many victims of persecution. The 10-Point Plan of Action was important in that regard. She also called on UNHCR to ensure that coordination of the protection cluster was results-driven, included strategic partners and incorporated sufficient training.

55. Mr. VOM BRAUCKE (Denmark) said that the High Commissioner's "Dialogue on Protection Challenges", could become an important mechanism for broad-based consultations on international protection issues, including the asylum-migration nexus and its protection implications. He commended the work on the UNHCR 10-Point Plan of Action. The nexus raised difficult and pressing challenges, particularly in regard to secondary movements of asylum-seekers and refugees and smuggling and trafficking of persons. One possible topic for discussion under the "Dialogue on Protection Challenges" was the formulation of UNHCR guidelines on international protection and the conditions for the application of group determinations.

56. Denmark continued to support resettlement as a strategic tool, and was committed to finding a comprehensive, durable solution to the protracted refugee situation in Nepal, involving acceptance by Bhutan of voluntary returnees, commitment by the international community to substantial third-country resettlement, and facilitation by Nepal of local integration. He encouraged UNHCR to identify refugee situations where strategic resettlement would provide added value.

57. Mr. LEBEDEV (Russian Federation) commended the Note on International Protection, saying that implementation of the Agenda for Protection should be one of the Office's main priorities. He welcomed the attention being paid to the needs of refugees in Africa where, despite some recent positive trends, armed conflict and instability continued to prevail. It was important to take measures to combat the problem of illegal armed groups and to improve border security, thereby preventing illegal border crossings, and massive violations of international humanitarian law. Efforts had been made in that regard, but must go further.

58. With regard to the issue of refugees in Bosnia and Herzegovina, Montenegro, Croatia and Serbia, the OSCE regional initiative of 2006 appeared to have stalled. Serbian and non-Albanian refugees and IDPs must be allowed to return to Kosovo. However, as far as the return of non-Albanians to cities and provision of infrastructure for IDPs were concerned, the 2006 framework was proving difficult to implement.

59. UNHCR should continue to accelerate repatriation of the Afghan refugees in Pakistan, while repatriation of the Afghan refugees in Iran, Pakistan and other countries should be effected using a step-by-step approach, taking into account the political, economic and social situation in Afghanistan.

60. He had welcomed the international conference on Iraq held in Sharm el Sheikh in April 2007 and supported measures to provide appropriate humanitarian assistance in Iraq. However, until security prevailed in Iraq the number of refugees would increase. The situation of Sudanese IDPs and refugees continued to be difficult, but UNHCR had recently helped to improve the humanitarian situation. In order to help the victims of the Darfur conflict, constructive dialogue was necessary with the leadership in the Sudan.

61. In the Russian Federation, the issue of defining the number and status of refugees and asylum-seekers was a complex one. The Russian Federation was very large, yet 80 per cent of asylum-seekers wanted to settle in Moscow and the surrounding region for economic and other reasons. The Moscow region was overwhelmed by a large influx of arrivals, and the Russian Government had taken steps to try to manage the situation and to deal with illegal immigration. Matters were complicated by the fact that UNHCR representatives in Moscow were engaged in their own mandate-status determination procedures. The Russian Government had complained to UNHCR in 2005 about that problem, but had yet to receive a reply. In addition, the press had published articles casting doubt on the integrity of Russian immigration law, and UNHCR had regrettably published stories drawing dubious conclusions on the same subject. Such unprofessional comments only served to complicate matters. The Russian Federation would submit further comments to the Assistant High Commissioner for Protection in writing.

62. Mr. THIRD (New Zealand) said that it was encouraging that UNHCR had extended its protection activities to include more persons such as IDPs. He commended the efforts of the Syrian Arab Republic and Jordan to assist millions of refugees arriving from Iraq, and he deplored the situation in Myanmar, where beatings, arrests and shootings of protestors were taking place and also risked triggering a further exodus. The regime should be held responsible for the personal safety and treatment of all the people that it had detained and should engage in dialogue with pro-democracy leaders and ethnic minorities.

63. While welcoming Thailand's reception of Myanmar refugees and its support for third-country resettlement of long-term refugees, he said that the Thai authorities should issue exit permits to the Paduang people, whose resettlement had already been approved. He applauded the Government of Nepal for cooperating with UNHCR in completing the refugee registration exercise and for its commitment to proceed with third-country resettlement while seeking a comprehensive solution for Bhutanese refugees in Nepal. New Zealand would receive 100 of the refugees for resettlement in 2007 and 2008. He commended the Government of Bhutan for finding a just and durable solution to that problem. The two Governments should work with UNHCR to draw up written terms and conditions of return.

64. Progress had been made in implementing the Agenda for Protection in respect of local integration, in particular in Africa. New Zealand strongly supported the activities of the Working Group on Resettlement, and warmly welcomed the efforts of UNHCR to focus on the protection of children.

65. While he expressed support for service delivery to IDPs, he stressed that it must not diminish the protection and services provided to refugees. In that connection, the extension of UNHCR activities to cover mixed migration flows raised the question of whether UNHCR had the capacity to take on such a comprehensive role.

66. The New Zealand Parliament had before it an immigration amendment bill, which would enhance the country's policies and operations in the areas of complementary protection, a single determination process and revised appeal provisions. The bill would make the protection system more efficient and expedite the handling of cases.

67. Mr. KEBBON (Sweden) welcoming the active participation of the High Commissioner in the debate, said that while States must not simply consign the problems of mixed migration flows to UNHCR, UNHCR must recognize that population flows were now very often mixed and that asylum systems were overburdened by persons not in need of protection. In order to avoid weakening the international protection regime, UNHCR and Governments must ensure protection to those who needed it.

68. Ms. NIELSEN (Switzerland) welcomed the efforts to strengthen the long-term protection activities of UNHCR in regions where there were major refugee movements. In that connection, Switzerland had funded a UNHCR training and capacity-building project on refugee governance in Kenya and was working on a regional protection concept that should be operational by early 2008.

69. The commitment of UNHCR to protecting unaccompanied minors was an important one. In that regard, the latest revision of Swiss asylum law included more systematic protection of unaccompanied minors at all stages of the procedure. All such children were now provided with legal representatives to defend their interests and fully protect them.

70. Switzerland was very concerned about sexual and gender-based violence, since women and girls were vulnerable and less likely to enjoy effective protection. Training and enhanced support for such groups should be encouraged.

71. While Switzerland welcomed the progress made in combating statelessness, further efforts were needed. Switzerland had actively contributed to the drafting of a new international instrument in the Council of Europe aimed at better combating statelessness. She encouraged UNHCR to continue its work in that field.

72. Mr. BESSEDIK (Algeria) said that protection was a multifaceted issue which necessitated coherent partnership across the entire humanitarian community so that countries of destination, origin and transit did not view their role solely in terms of constraints and obligations. Cooperation projects should bridge the gap between humanitarian assistance and long-term development and address durable solutions. Partnership must be coordinated in such a way as to include the persons most directly concerned, i.e. refugees, and should be free from any political considerations.

73. Algeria was following with interest the implementation of the cluster approach, and looked forward to receiving the corresponding assessment by UNHCR. It was important for UNHCR to enhance its partnership with regional bodies, particularly in Africa, so as to bolster national protection capacities. While the causes of exodus were well known, they were not given sufficient prominence. Efforts to address specific causes, such as sexual violence or intolerance, would strengthen the link between human rights and refugee law. While the fact that humanitarian action took place in a context of globalization gave protection a new dimension, the question remained as to whether UNHCR could effectively bear its weighty and varied responsibilities. As the former High Commissioner, Ruud Lubbers, had said, there was an immense gap between the Office's responsibilities worldwide and its funding base.

74. Ms. RUIJTERS (Netherlands) cautioned UNHCR against exceeding its mandate. It was heartening that UNHCR was engaged in cooperation with the International Organization for Migration (IOM). UNHCR should also work with the European Union and States to deal with mixed migration flows in the Mediterranean region.

75. The Netherlands welcomed the establishment of a forum on protection-related issues, and would actively take part in the Dialogue on Protection Challenges. While she favoured strengthened protection in regions of origin, she did not believe that it should necessarily lead to the rejection of asylum requests at Europe's borders. She expressed satisfaction at the progress made in combating gender-based violence, and requested information on UNHCR efforts to establish an urban refugee policy, noting that requests for such a policy had been made since 1999. The search for durable solutions was not only crucial for refugees, but also for the viability of the entire refugee protection system.

76. The process for adopting Executive Committee conclusions was long, difficult and the outcomes were not always satisfactory. Not all members attended meetings, which undermined any possibility of real dialogue on sensitive protection-related issues. The Netherlands supported the adoption of a decision to evaluate the use of Executive Committee conclusions and to find ways of improving the relevant procedure.

77. Ms. FELLER (Assistant High Commissioner for Protection) said that the current debate demonstrated that the Executive Committee had numerous forums to discuss protection issues. The fact that the Executive Committee did not necessarily have to rely on the conclusions process did not obviate the need to improve that process. She welcomed the broad support expressed for the Dialogue on Protection Challenges and the follow-up to the Agenda for Protection. The agenda for the Dialogue had not yet been set and any input into it was welcome. In that connection, she felt that it would be constructive to include protracted refugee situations in the discussion, either at the next session of the Dialogue or a subsequent one.

78. She agreed with the representative of Canada that there was no single solution to protracted refugee situations. UNHCR was aware of the problems faced by the Russian Federation in dealing with inflows of persons into Moscow, and was exploring with the relevant Governments the role of UNHCR refugee status determination procedures.

79. She thanked the Swiss Government for its support for SPCP, and agreed with it that UNHCR could only supplement the protection provided by States. The heightened risk assessment tool, which was already in use in the field, had been developed in large part thanks to work done at the University of New South Wales, Australia, underscoring the close cooperation between UNHCR and non-governmental actors.

80. She fully agreed with the representatives of Canada and New Zealand on the need to provide sufficient capacity to protect displaced persons and to take due account of real-time evaluations. A comprehensive study on the urban refugee policy paper had been completed but had to be cut down before being released.

81. She expressed satisfaction that countries such as Australia were making space for children and unaccompanied minors within their resettlement programmes. The success of resettlement largely depended on the investments made in integration activities. The question of departure authorizations should be dealt with bilaterally. She thanked the Government of Romania for its cooperation in the establishment of emergency transit facilities for potential resettlement groups in urgent need of relocation.

The meeting rose at 6 p.m.