

Chapter XII

Refugees and displaced persons

In 2003, the total number of persons of concern to the Office of the United Nations High Commissioner for Refugees (UNHCR) dropped to approximately 17 million, from 20.8 million in 2002, due largely to the return home of millions of refugees following the end of prolonged crises, mainly in Africa and Afghanistan. Almost 5 million people who had fled their homes found a solution through resettlement or local integration.

UNHCR achieved success in addressing the refugee situation in some regions, while problems in other areas undermined progress. Positive developments included the repatriation of over half a million Afghan refugees in the largest return movement of the year. Despite persisting insecurity in parts of Afghanistan, UNHCR maintained the momentum of returns and made considerable progress in ensuring that returnees were included in national development programmes. In other large-scale repatriations, thousands were assisted to return to their places of origin in Angola, Bosnia and Herzegovina, Burundi, Côte d'Ivoire, Eritrea, Iraq, Liberia, Rwanda, Sierra Leone and Somalia. On the negative side, persons of concern in some 38 protracted refugee crises worldwide still awaited durable solutions. Notable situations of concern in that regard included millions of Afghans and half a million Angolans remaining in neighbouring countries, and 700,000 Burundian refugees and internally displaced persons (IDPs) whose hope of return faded as the country's peace process faltered. Others included some 165,000 refugees from Western Sahara living in camps in south-western Algeria for over 25 years and an increasing number of IDPs, estimated at 2 million, uprooted by the conflict in Colombia, of whom 290,000 were displaced during the year. In other fresh outflows, over 300,000 refugees fled several African countries, creating large-scale emergencies in some cases.

During the year, UNHCR finalized the report on the "UNHCR 2004" process, designed to strengthen the Office and better position it to carry out its mandate. In December, the General Assembly removed the time limitation on the continuation of UNHCR and decided to continue the Office until the refugee problem was solved. It also enlarged the UNHCR Executive Committee

membership from 64 to 66 States. In October, the Assembly extended the term of office of Ruud Lubbers as UN High Commissioner for Refugees for a period of two years beginning on 1 January 2004.

Office of the United Nations High Commissioner for Refugees

Programme policy

Executive Committee action. At its fifty-fourth session (Geneva, 29 September–3 October) [A/58/12/Add.1], the Executive Committee of the UNHCR Programme, in a conclusion on proposals [A/AC.96/980] arising from the "UNHCR 2004" process [YUN 2001, p. 1107], recognized UNHCR's leading role in international protection of refugees and supported the continuation of the Office until the refugee problem was solved, thereby removing the time limitation contained in General Assembly resolution 57/186 [YUN 2002, p. 1203] (see also p. 1225). Highlighting the importance of joint efforts by UN departments and UNHCR in seeking solutions for refugees, the Committee encouraged UNHCR to play a more active role in that regard and recommended that the High Commissioner review, every 10 years, the global situation of refugees and UNHCR's role, and report thereon to the Assembly as from its sixty-eighth (2013) session. The Committee also adopted conclusions on international protection, including the Agenda for Protection adopted in 2002 [ibid., p. 1205] and statelessness; the return of persons found not to be in need of international protection; protection safeguards in interception measures; and protection from sexual abuse and exploitation. Decisions were adopted on administrative, programme and financial, and institutional matters.

In his opening statement to the Committee, the High Commissioner, describing the negative impact on UNHCR operations of the 19 August terrorist attack on the UN headquarters in Baghdad, Iraq (see p. 346), stated that the challenge facing the Office was finding a balance between continued assistance to the Iraqi people and ensuring staff security. The High Commissioner highlighted positive developments in Afghanistan and

in several African countries, including Angola, the Democratic Republic of the Congo (DRC), Liberia and Sierra Leone. However, he noted that although over half a million Afghan refugees returned home during the year, millions of others remained in neighbouring countries, particularly in Iran and Pakistan, and finding durable solutions for them remained a top priority. In Africa, UNHCR continued to seek durable solutions for the refugees in the United Republic of Tanzania; difficulties in Burundi's peace process left over 300,000 refugees and some 400,000 internally displaced persons (IDPs) with limited prospects of returning home; and intense fighting in the Darfur region of the Sudan compelled up to 65,000 refugees to flee to Chad. The priority in Asia remained the resolution of the stalemate on finding solutions for 100,000 Bhutanese people in camps in Nepal. In China, the plight of North Koreans who left their country illegally remained a serious concern. In the Americas, UNHCR continued to coordinate the UN response in Colombia, where the total number of IDPs stood at well over 2 million. In Europe, attention focused on the difficulties facing the displaced population of Chechnya, Russian Federation, while the ongoing asylum debate in the European Union (EU), despite prompting new thinking on ways of enhancing refugee protection, also tended to encourage increasingly restrictive legal asylum measures. The High Commissioner, announcing the finalization of the report on the "UNHCR 2004" process to strengthen the Office [YUN 2001, p. 1107] and better position it to carry out its mandate (see p. 1225), noted that a panel discussion was planned on the implementation of the conclusions contained in the report.

The High Commissioner reported significant progress in the ongoing review of human resources management. Steps had also been taken to enhance transparency and accountability in the management of UNHCR operations, and revised guidelines on preventing and responding to sexual and gender-based violence, intended for the staff of UNHCR and its humanitarian and development partners, had been launched. With regard to finances, UNHCR was required to cut its budget twice during the year, reducing the level of allocations by \$54 million, freezing \$37 million of the operational reserve, and making additional cuts to compensate for \$42 million in increased costs resulting from exchange rate fluctuations and UN salary increases. To avoid further cuts, \$56 million in new contributions was needed towards the 2003 annual budget. The High Commissioner also highlighted ongoing efforts to strengthen UNHCR's partnerships.

By **decision 2003/310** of 24 July, the Economic and Social Council took note of the High Com-

missioner's report covering the period from 1 January 2002 to 30 April 2003 [A/58/12].

Extension of High Commissioner

By **decision 58/402** of 6 October, the General Assembly, on the 30 September proposal of the Secretary-General [A/58/396], extended for a period of two years the term of Office of the High Commissioner, Ruud Lubbers, beginning on 1 January 2004.

Coordination of emergency humanitarian assistance

In 2003 [A/59/12], UNHCR, in a continuing effort to strengthen its partnerships within the UN system, joined the United Nations Development Group, an inter-agency forum established to help improve the effectiveness of UN development initiatives at the country level. Within that framework, UNHCR co-chaired, with the United Nations Development Programme (UNDP), a working group to develop guidelines for UN resident coordinators and country teams in achieving durable solutions for target groups. UNHCR continued to participate in the work of the Executive Committee for Humanitarian Affairs (ECHA) and the Inter-Agency Standing Committee (IASC). It also remained active in the Inter-Agency Advisory Group on AIDS and the IASC Task Force on HIV/AIDS in Emergency Settings (see p. 1245). During the year, UNHCR continued to work closely with the IDP Unit of the UN Office for the Coordination of Humanitarian Affairs (OCHA) on measures to strengthen collaboration for protecting IDPs, and further strengthened collaboration with the World Food Programme (WFP), the International Labour Organization (ILO) and the United Nations Human Settlements Programme (UN-Habitat) on refugee issues. With over 600 United Nations Volunteers (UNVs) participating in some 60 UNHCR operations worldwide during the year, a memorandum of understanding (MOU) was being finalized to further strengthen cooperation with the UNV Office. In the area of refugee health, UNHCR cooperated with the World Health Organization (WHO) in addressing refugee health and nutrition, and in preparing technical guidelines, including the New Emergency Health Kit and the Tuberculosis (TB) Control Manual. The Office also continued collaboration with the International Organization for Migration (IOM) and participated in furthering the objectives of the New Partnership for Africa's Development (NEPAD) (see p. 937) to ensure a stake for returnees and IDPs in their countries of origin, and to help avert renewed displacement. During the year, UNHCR

channelled \$223 million (one quarter of its annual budget) through over 500 non-governmental organizations (NGOs), covering sectors such as shelter/other infrastructure; transport/logistics; health and nutrition; education; legal assistance/protection; and agency operational support. UNHCR initiated consultations to involve strategic NGO partners more closely in assessing planning processes so as to avoid duplicating efforts and better target humanitarian assistance and protection. The Office launched a protection learning programme for its partners: a pilot project designed to promote a team-based approach, mainstream gender and age issues, and demonstrate the importance of accountability.

Evaluation activities

UNHCR, in an August report [A/AC.96/976], described developments in its evaluation function, explained its evaluation policy, examined the challenge of ensuring that related findings and recommendations were effectively utilized, and described the evaluation activities of its Evaluation and Policy Analysis Unit (EPAU). In January, the new evaluation policy, contained in a policy statement adopted in 2002 [YUN 2002, p. 1201], took effect. To ensure the effective use of evaluation findings and recommendations, UNHCR introduced a management response requirement, obliging the manager responsible for an evaluated policy or programme to explain how the findings and recommendations of the evaluation would be used. EPAU was also considering several other mechanisms for further strengthening the evaluation function.

Completed evaluation projects were related to health and community services; reproductive health services to refugees; monitoring the protection, rights and well-being of refugees; protracted refugee situations, particularly in Africa; refugees in urban areas; management learning programmes; country programmes; facilitation and internal consultancy; and strategic reviews of UNHCR operations. Other activities during the year included reviews of UNHCR operations in Afghanistan, Guinea, Tajikistan, Timor-Leste and Western Europe, and of UNHCR office staffing parameters, emergency procurement arrangements, indicators for implementing the High Commissioner's commitments regarding refugee women and freedom of movement issues in refugee situations.

Inspections

In 2003 [A/59/12], regular inspections of UNHCR operations by its Inspector General's Office (IGO) were conducted in Gabon, Greece, Pakistan and Turkey. In order to assess strategy

and policy from a subregional perspective and to ascertain where UNHCR might strengthen partnerships with other members of the UN system, international organizations and NGOs, IGO undertook its first operational reviews of Somalia, Sri Lanka, the Sudan and Turkey. It also carried out a comprehensive review and revision of its inspection strategy. IGO expanded its work to include ad hoc inspections focusing on specific management issues requiring a separate assessment. In 2003, IGO received 158 complaints alleging misuse of assets, medical insurance fraud, sexual harassment of staff, sexual exploitation of refugees and other improper conduct. In 40 per cent of those cases, it recommended administrative or disciplinary action; in another 40 per cent, it concluded that the allegations were unfounded or insufficiently established.

The UN Office of Internal Oversight Services (OIOS) audited UNHCR's staffing of emergency operations; decentralized personnel administration; housing maintenance element (HOME) entitlement; the Media Relations and Public Information Service; central emergency and regional stockpiles; air operations; various aspects of the Management System Renewal Project; and operations in 29 countries. It also reviewed two NGOs to assess their systems and procedures and to advise on how to comply with UNHCR requirements. OIOS audits covered operations and activities amounting to \$218 million or 22 per cent of UNHCR's total expenditure of \$983 million in 2003. It issued 34 audit reports to senior management and over 66 audit observations to managers in the field.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 77], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/58/503], adopted **resolution 58/151** without vote [agenda item 112].

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-fourth session and the conclusions and decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

Expressing its appreciation for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their re-

sponsibilities, and underscoring its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-fourth session;

2. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, and notes in this context the conclusions adopted on international protection, on the return of persons found not to be in need of international protection, on protection safeguards in interception measures, and on protection from sexual abuse and exploitation, which are aimed at strengthening the international protection regime, consistent with the Agenda for Protection resulting from the Global Consultations on International Protection, and at assisting Governments in meeting their protection responsibilities in today's changing international environment;

3. *Reaffirms* the 1951 Convention relating to the Status of Refugees and its 1967 Protocol as the foundation of the international refugee protection regime, and recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-five States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines in particular the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

4. *Notes* that fifty-five States are now parties to the 1954 Convention relating to the Status of Stateless Persons and that twenty-seven States are parties to the 1961 Convention on the Reduction of Statelessness, and encourages the High Commissioner to continue his activities on behalf of stateless persons;

5. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

6. *Emphasizes* that international protection is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and which includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

7. *Welcomes* the High Commissioner's "Convention Plus" initiative, and encourages the High Commissioner and those States that have offered to facilitate Convention Plus agreements to strengthen the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden- and responsibility-sharing and realizing durable solutions;

8. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and other displaced persons and in finding durable solutions to their situations, and welcomes the efforts under way, in cooperation with other United Nations agencies and development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, including the "4Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return;

9. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of, and reducing the heavy burden borne by, countries that have received large numbers of refugees and asylum-seekers, and calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, particularly least developed countries, and countries with economies in transition;

10. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

11. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

12. *Encourages* the Office of the High Commissioner to continue to improve its management systems and to ensure effective and transparent use of its resources, recognizes that adequate and timely resources are essential for the Office to continue to fulfil the mandate conferred upon it through its statute and by subsequent General Assembly resolutions concerning refugees and other persons of concern, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

13. *Requests* the High Commissioner to report on his activities to the General Assembly at its fifty-ninth session.

Strengthening UNHCR

In response to General Assembly resolution 57/186 [YUN 2002, p. 1203], the Secretary-General, in October, transmitted the report of the High Commissioner on strengthening the capacity of

UNHCR to carry out its mandate [A/58/410]. The report was the outcome of the “UNHCR 2004” process, launched in 2001 [YUN 2001, p. 1107], to determine how UNHCR could be better positioned to meet new challenges that had affected its capacity to carry out its mandate. It was prepared in consultation with the UNHCR Executive Committee, the Secretary-General and partner agencies and NGOs. The High Commissioner noted that, although the primary role of the Office had not changed, new categories of persons of concern had been added to its responsibilities, raising the need to ensure that it was sufficiently equipped to do its work and to respond to related challenges. The actions proposed, some of which depended on Assembly decisions, covered the time-limited nature of the Office; implementation of the Agenda for Protection [YUN 2002, p. 1205]; accessions to the Conventions on stateless persons and statelessness; IDPs; protection and assistance for returnees; the targeting of development assistance to facilitate durable solutions; addressing the asylum and migration nexus; convening periodic ministerial meetings, normally every five years, of States parties to the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and its 1967 Protocol [YUN 1967, p. 477]; streamlining UNHCR reporting, strengthening the linkages between UNHCR and peace and security, development and humanitarian pillars, and with human rights bodies; partnerships with NGOs; and diversifying and broadening UNHCR funding.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/58/503], adopted **resolution 58/153** without vote [agenda item 112].

Implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his Office to carry out its mandate

The General Assembly,

Recalling its resolution 428(V) of 14 December 1950, the annex to which contains the statute of the Office of the United Nations High Commissioner for Refugees, and its resolution 57/186 of 18 December 2002 on the continuation of the Office of the High Commissioner,

Appreciating the concerted efforts of the High Commissioner in undertaking consultations with the Secretary-General, the members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees and observers of its Standing Committee, through the process known as “UNHCR 2004”, on how the Office of the High Commissioner could be better equipped to carry out its mandate in the changing context of the global situation, and noting that this is in support and in the context of the goals, objectives and commitments con-

tained in the United Nations Millennium Declaration, as well as the efforts of the Secretary-General to strengthen the United Nations system,

1. *Welcomes* the report of the United Nations High Commissioner for Refugees on strengthening the capacity of the Office of the United Nations High Commissioner for Refugees to carry out its mandate, as called for in resolution 57/186;

2. *Reaffirms* that international protection and the search for durable solutions for refugees and, as applicable, other persons of concern to the Office of the High Commissioner, which were examined, inter alia, in the Global Consultations on International Protection process and are reflected in the Agenda for Protection, are the core of the mandate of the Office;

3. *Welcomes* the efforts of the Office of the High Commissioner to strengthen its linkages with the other parts of the United Nations system in order to enhance refugee protection and to identify and implement durable solutions for refugees and other persons of concern to the Office, and appreciates its efforts to strengthen partnerships with operational and implementing partners;

4. *Welcomes* the admission of the Office to the United Nations Development Group, and invites the Development Group to include, through the resident coordinator system and in full consultation with the Government concerned, consideration of the needs of refugees and, as applicable, other persons of concern to the Office of the High Commissioner in the common country assessment process and the subsequent formulation and implementation of their development programmes;

5. *Notes* the importance of the support of the Office of the High Commissioner, within its mandate, to the efforts of the Emergency Relief Coordinator to promote predictable and timely United Nations strategies that, inter alia, integrate durable solutions for refugees with those for internally displaced persons;

6. *Highlights* the importance of joint efforts of the Department of Political Affairs and the Department of Peacekeeping Operations of the Secretariat, together with those of the Office of the High Commissioner, which contribute to durable solutions for refugees in conflict and post-conflict situations, encourages the Office to play a more active role, including by sharing information with relevant United Nations forums, and stresses that all of these activities should be undertaken in a manner consistent with the mandate of the Office;

7. *Recalls* paragraph 20 of the statute of the Office of the High Commissioner, and calls for its application;

8. *Reaffirms* the continued voluntary nature of the funding of the Office of the High Commissioner in accordance with its statute, while recognizing the importance of contributions made by countries hosting refugees, especially developing countries, notes the need for more equitable international responsibility and burden-sharing and expresses concern over the recurring shortfall in the funding of the Office, requests that States, within their capacities, contribute to the full funding of the budget level approved by the Executive Committee, and encourages the Office to continue its efforts to expand its donor base and to diver-

sify funding sources, including through the private sector;

9. *Decides* to remove the temporal limitation on the continuation of the Office of the High Commissioner contained in its resolution 57/186 and to continue the Office until the refugee problem is solved;

10. *Decides also* that the High Commissioner shall make an annual oral report to the Economic and Social Council to keep it informed of the coordination aspects of the work of the Office and shall continue the existing practice, as established in paragraph II of its statute, of presenting an annual written report to the General Assembly, on the understanding that every ten years, beginning at the sixty-eighth session, the report will include a strategic review of the global situation of refugees and the role of the Office, prepared in consultation with the Secretary-General and the Executive Committee.

Enlargement of Executive Committee

On 24 July, the Economic and Social Council, by **decision 2003/285**, noted Egypt's request [E/2003/3] for membership in the UNHCR Executive Committee and recommended that the General Assembly decide on the question of enlarging the Committee's membership from 64 to 65 States at its fifty-eighth (2003) session. By **decision 2003/286** of the same date, the Council noted Zambia's request [E/2003/77] for membership and recommended that the Assembly decide on the question of enlarging the membership from 65 to 66 States at its fifty-eighth session.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/58/503], adopted **resolution 58/152** without vote [agenda item 112].

Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decisions 2003/285 and 2003/286 of 24 July 2003 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the letter dated 23 September 2002 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General and the note verbale dated 25 April 2003 from the Permanent Mission of Zambia to the United Nations Office at Geneva addressed to the Secretary-General,

1. *Decides* to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from sixty-four to sixty-six States;

2. *Requests* the Economic and Social Council to elect the additional members at its resumed organizational session for 2004.

Financial and administrative questions

UNHCR's initial annual programme budget target for 2003 was set at \$836.3 million [A/59/12] by the Executive Committee in 2002 [YUN 2002, p. 1204]. Supplementary programmes established during the year totalled \$330.6 million. Contributions to the annual programme budget totalled \$652.2 million plus \$8.1 million for the Junior Professional Officers (JPO) programme. The UN regular budget provided \$28.2 million and contributions towards supplementary programmes totalled \$268.2 million, \$18.6 million of which was transferred to the annual programme budget to cover supplementary programme activities. Expenditures during the year totalled some \$983 million, \$714.8 million of which was from the annual programme budget. UNHCR expenditure by region was as follows: Africa, \$376 million; Central Asia, South-West Asia, North Africa and the Middle East, \$225 million; Asia and the Pacific, \$54.4 million; Europe, \$120.5 million; and the Americas, \$24.3 million.

In October, the Executive Committee approved the revised 2003 annual programme budget amounting to \$809.1 million, which, together with the UN regular budget contribution of \$20.4 million, provisions for JPOs of \$7 million and needs under supplementary programmes of \$313.3 million, brought total requirements for the year to \$1,150 million.

For the 2004 annual programme budget, the Committee approved \$923 million, including an operational reserve of \$61 million (representing 7.5 per cent of programmed activities) and \$50 million, introduced on a trial basis for one year, for funding activities not included in the annual programme budget. The Committee decided to review in 2004 the issue of additional contributions for such activities and took note of the UN regular budget contribution of \$25 million, and of the sum of \$7 million for JPOs, which brought total requirements for 2004 to \$955 million.

Accounts (2002)

The audited financial statements of voluntary funds administered by UNHCR for the year ending 31 December 2002 [A/58/5/Add.5] showed total expenditures of some \$908.4 million and total income of \$858.2 million, with a reserve balance of \$120 million.

The Board of Auditors found that: unallocated available reserves at the end of 2002 (\$50 million) were insufficient to cover the staff termination liabilities of some \$263 million; the value of non-expendable property as at 31 December 2002 was understated by some \$70 million; invalid expenditure, valued at \$5.9 million, showed the need to set

up a proper accounting policy; the 2002 operational expenditure not supported by implementing partners' financial reports totalled \$14.2 million as at 11 June 2003; as at 31 January 2003, UNHCR had not received audit certificates for 52.5 per cent of expenditure on 2001 operational projects; the share of non-programme expenditure (28 per cent) had to be reviewed in view of the shortfall of \$50 million in 2002; between 1998 and 2002, staff employed constantly exceeded the number of posts; some 75 per cent of staff held de facto permanent appointments as at 1 July 2002, versus 16 per cent in 1998; at the end of 2002, 113 Professionals were "staff-in-between-assignment", being paid but without assignment; the creation of the housing maintenance element (HOME) for staff exceeded the delegation of authority granted to the High Commissioner and was not in line with standard UN provisions; and the accounting systems did not enable UNHCR to report what was paid in respect of each entitlement and each staff member. The Board made a series of recommendations to improve management, noting that UNHCR had mostly actively responded to earlier recommendations, although some had not been implemented.

UNHCR, in August [A/AC.96/978/Add.1], reported on measures taken or proposed to respond to the recommendations of the Board of Auditors.

In a September report [A/58/384], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) observed that the Board had modified its opinion, drawing attention to its finding on the adequacy of assurance obtained by UNHCR that funds were properly used for the purpose intended and on the understatement of some \$70 million in the disclosure of non-expendable property. ACABQ noted that the statement of income and expenditure and changes in reserve and fund balances of the voluntary funds administered by the Office did not include \$21 million received from the UN regular budget. As to human resources management, ACABQ shared the Board's concern about the gap between staff members with appointments and posts. ACABQ expressed concern about UNHCR's management of staff-in-between-assignments, citing the Board's finding that, as at December 2002, some 113 Professional staff and 16 General Service staff, although their assignments had expired, remained on special leave with full pay, which had cost the Office several million dollars between 1998 and 2002. ACABQ requested that the High Commissioner take urgent action to comply with the Board's recommendations in that regard and to report on the management of affected staff in the next budget report. It welcomed the High Commissioner's intention to in-

troduce reforms, transparency and stronger control of the staffing table. ACABQ agreed with the Board's view that the creation of the HOME allowance exceeded the authority delegated to the High Commissioner.

The Executive Committee, in a decision on administrative, financial and programme matters [A/58/12/Add.1], requested that it be informed regularly on measures taken to address the recommendations and observations made by the Board of Auditors and ACABQ.

Standing Committee

The UNHCR Standing Committee held three meetings in 2003 (4-6 March [A/AC.96/974]; 24-26 June [A/AC.96/984]; and 25 September [A/AC.96/985]). It reviewed UNHCR's programmes and activities in various regions and considered updates on overall programme and funding issues; protection/programme policy issues, including the safety and security of staff and refugees, and the economic and social impact of massive refugee populations on developing host countries and other countries; international protection; statelessness; coordination issues within the UN system; and issues relating to management, finance, oversight and human resources, and governance.

In October [A/58/12/Add.1], the Executive Committee adopted the following items for the Standing Committee's 2004 programme of work: international protection; programme/protection policy; programme and funding; governance; coordination; and management, financial, oversight and human resources. The Standing Committee was authorized to add or delete items, as appropriate, to its intersessional work programme.

Staff safety

At its March meeting [A/AC.96/974], the Standing Committee discussed staff and refugee safety and security. The Director of UNHCR's Emergency Security Service drew attention to increasing threats to the physical safety of UNHCR staff and past and current initiatives to address those threats. The establishment of a qualified cadre of professional security officers had been accompanied by measures to develop a wider culture of security awareness to help all staff become more effective in managing their own security and that of their colleagues. That resulted in the establishment of the UNHCR security policy, which was complementary to the system-wide accountability scheme of the United Nations Security Coordinator (UNSECOORD). Further measures included training sessions and tools development, notably the CD-ROM interactive self-

learning course, which had been adopted by other UN system agencies as a mandatory basic security training. Additional initiatives would extend training support further across the system, and possibly to NGO and governmental partners. Work was ongoing, in collaboration with the UN Department of Peacekeeping Operations and Governments, to find ways to improve UNHCR's response to refugee security.

Refugee protection and assistance

Protection issues

In his annual report covering 2003 [A/59/12], the High Commissioner described significant challenges facing States and UNHCR in securing and upholding international protection of refugees, which included safeguarding humanitarian principles in a frequently precarious security environment, ensuring access to international protection, planning and supporting major repatriation movements, and promoting the resolution of protracted situations. He stated that the goals and related objectives of the Agenda for Protection, adopted in 2002 [YUN 2002, p. 1205] as a multi-year programme of action for improving the protection of refugees and asylum-seekers, had been mainstreamed into UNHCR strategies, policies, practices and reporting processes, from country operations plans to protection learning programmes. Measures taken by UNHCR to meet the goals of the Agenda for Protection included: strengthening implementation of the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and its 1967 Protocol [YUN 1967, p. 477]; protecting refugees within broader migration movements; sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees; addressing security-related concerns more effectively; redoubling the search for durable solutions; and meeting the protection needs of refugee women and children.

In a July note on international protection [A/AC.96/975], the High Commissioner focused on the mechanics of protection, highlighting how States, UNHCR and other actors were using various tools to ensure that those needing international protection benefited from it. He discussed operational, legal and policy, and promotional protection tools, covering the period from September 2002 to July 2003, highlighted developments in different countries where they indicated broader trends, and outlined UNHCR's actions in response to protection challenges within the

framework of follow-up action to the Agenda for Protection.

The High Commissioner stated that the effects of globalization and contemporary security concerns had brought to the fore problems resulting from mixed migratory flows. UNHCR had suggested ways to develop a comprehensive framework for improving national asylum systems in destination States, establish cooperative regional processing systems among those States and improve access to durable solutions in regions of origin. Nonetheless, the protection of refugees faced significant challenges, especially in situations of conflict, such as in West and Central Africa, where insecurity remained an endemic problem. UNHCR was also concerned at the proliferation of international organizations describing their work as protection, which could lead to a confusion of roles and dilution of expertise, ultimately detrimental to protection. Elsewhere, asylum processes had increasingly been tightened to the detriment of refugees and there was a strong tendency towards harmonization, at the level of the lowest common denominator, in the development of regional asylum systems.

The Executive Committee, in October [A/58/12/Add.1], stressed the value of strengthening protection capacities in host countries, encouraged follow-up activities towards the implementation of the Agenda for Protection and urged cooperation between States and UNHCR on methods to resolve cases of statelessness. The Committee highlighted the need to provide protection safeguards to intercepted persons within the framework of international human rights and refugee law, and recommended measures to guide such interception and ways to protect refugees and asylum-seekers from sexual abuse and exploitation.

International instruments

In 2003, Timor-Leste acceded to the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520], bringing the total number of parties to the Convention to 142. With the accession of Saint Vincent and the Grenadines and Timor-Leste, the total number of States party to the Convention's 1967 Protocol [YUN 1967, p. 477] rose to 141. Albania's accession to the 1954 Convention relating to the Status of Stateless Persons [YUN 1954, p. 416] and the 1961 Convention on the Reduction of Statelessness [YUN 1961, p. 533] increased the number of States party to those instruments to 55 and 27, respectively.

Convention Plus

In 2003, the High Commissioner for Refugees launched the "Convention Plus" initiative to help

strengthen the commitment of States and UNHCR partners to resolving refugee situations, notably through multilateral special agreements, and develop comprehensive action plans for resolving specific refugee situations, particularly protracted ones. Dialogue and negotiations on multilateral special agreements began within groups of States and other stakeholders, convened around each of the three central strands of the initiative: the strategic use of resettlement; ways to address irregular secondary movements of refugees and asylum-seekers; and the strategic targeting of development assistance to achieve solutions to refugee problems. A comprehensive plan of action to address the Somali refugee crisis was being considered.

Assistance measures

The global population of concern to UNHCR dropped to 17 million in 2003 from 20.8 million in 2002, due largely to the return of millions of refugees following the end of prolonged crises in Africa and Afghanistan. An estimated 5 million persons who had fled their homes found a solution through voluntary repatriation, resettlement or local integration. Those assisted included asylum-seekers, refugees, returning refugees in the early stages of their reintegration, IDPs and other persons of concern, mainly victims of conflict. During the year, some 1.1 million refugees repatriated voluntarily to their countries of origin, with the largest number (644,500) repatriating to Afghanistan from Iran and Pakistan. Many others returned to Angola, Bosnia and Herzegovina, Burundi, Eritrea, Iraq, Liberia, Rwanda, Sierra Leone and Somalia. The number of those resettled during the year rose to 26,000 from 20,000 in 2002, owing to a relative rise in acceptance levels for resettlement. Also, efforts to encourage local integration and to implement self-reliance strategies for refugees made limited but tangible progress in many countries. Nonetheless, millions in some 38 protracted refugee situations still awaited durable solutions, with new outflows reported in several African countries and in Colombia. UNHCR continued to accord high priority to developing effective responses for such situations.

In 2003, UNHCR received a total of some \$929 million in voluntary contributions towards its annual programme budget.

Refugees and the environment

In 2003, UNHCR, in a bid to limit environmental damage and degradation caused by the presence of refugees, continued efforts to mainstream sound environmental management into all phases of refugee operations, with the active participa-

tion of refugees and host communities. It emphasized cost-effective, community-based projects and strengthened collaboration with partners in addressing post-repatriation environmental rehabilitation. It also planned to produce guidelines on the assessment, monitoring and evaluation of environmental activities, for field testing and finalization in 2004.

Refugees and HIV/AIDS

Under UNHCR's 2002-2004 strategic plan on HIV/AIDS, launched in 2002 [YUN 2002, p. 1207], which included plans to standardize and align programmes within country operations, the Office was making efforts to develop a subregional approach to combating the disease, one example of which was the World Bank-funded Great Lakes Initiative programme, which aimed to achieve more effective coordination and cooperation between donors, host populations and Governments. Within the IASC Task Force on HIV/AIDS in Emergency Settings, UNHCR, together with WFP and the United Nations Children's Fund (UNICEF), was reviewing nutrition and food aid policies to ensure that sufficient food was provided to those suffering from the disease.

Refugee women

In May, UNHCR issued its response to the 2002 [YUN 2002, p. 1202] evaluations on refugee women, refugee children and the community service function, which drew particular attention to the need for increased ownership of existing policies and the involvement of all staff. The implementation of a three-year action plan drawn up in that regard was being overseen by a Steering Committee. During the year, a pilot project developed in Latin America and Turkey, on the basis of earlier UNHCR experiences, was launched in 10 countries. The project aimed to facilitate the integration of a gender and age perspective into UNHCR operations. UNHCR revised its Guidelines for Prevention and Response to Sexual and Gender-based Violence in refugee and refugee-like settings and disseminated it to field offices and partners. Numerous training workshops on prevention were organized.

Refugee children

In 2003, UNHCR maintained a strong emphasis on education as a protection tool for refugee children, focusing on ensuring access to primary education. To overcome low enrolment rates, particularly among girl refugees at the primary school level, projects were launched in Ethiopia, Kenya and Somalia, in partnership with private corporations. Tertiary-level scholarships and

secondary-level trust fund education support continued. A UNHCR report on education indicators in 118 refugee camps in 23 asylum countries identified areas where future planning for refugee children's education could be improved.

Report of Secretary-General. In response to General Assembly resolution 56/136 [YUN 2001, p. 1115], the Secretary-General submitted an August report on assistance to unaccompanied refugee minors [A/58/299]. The report provided information on UNHCR action to protect and assist minors and on activities by other UN entities, including UNICEF, the Office of the United Nations High Commissioner for Human Rights, OCHA and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, among others. The report discussed a rights-based approach to securing the interests of affected minors and global priority issues relating to refugee children, including family tracing and reunification, military recruitment, sexual exploitation, abuse and violence, and education. It also highlighted other concerns and challenges such as the special protection needs of refugee girls and of internally displaced children.

The Secretary-General observed that progress had been made over the past two years in addressing the protection and assistance needs of unaccompanied or separated refugee children. Cooperation among UN system bodies and with other partners, notably the International Committee of the Red Cross, NGOs and Governments, had been strengthened. Positive results were evident in terms of training and capacity-building, commitments to common goals on critical child protection and assistance issues, the entry into force of new human rights instruments, and legislative changes raising child protection standards. The inter-agency agreement on common Guiding Principles on Unaccompanied and Separated Children was a noteworthy example of progress. Nonetheless, serious challenges remained, including security concerns, insufficient human and material resources, inadequate law enforcement systems for the effective pursuit of child rights violations, and, in some cases, insufficient political will by States to comply with international standards relating to children. The Secretary-General urged States that had not done so to ratify the two optional protocols to the Convention on the Rights of the Child, adopted by the General Assembly in resolution 54/263 [YUN 2000, p. 615], and to ensure the implementation and monitoring of compliance with international instruments and accountability for violations. States and other stakeholders in civil society were encouraged to ensure that adequate resources were provided to enable refugee chil-

dren to enjoy rights to which they were entitled, such as the right to education, and to avoid being recruited into armed forces or groups, or falling victim to sexual exploitation and abuse. More attention was needed by all actors involved with unaccompanied or separated children towards achieving more effective identification, registration, tracing and family reunification systems.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/58/503], adopted **resolution 58/150** without vote [agenda item 112].

Assistance to unaccompanied refugee minors

The General Assembly,

Recalling its resolutions 49/172 of 23 December 1994, 50/150 of 21 December 1995, 51/73 of 12 December 1996, 52/105 of 12 December 1997, 53/122 of 9 December 1998, 54/145 of 17 December 1999 and 56/136 of 19 December 2001,

Aware of the fact that the majority of refugees are children and women,

Bearing in mind that unaccompanied refugee minors are among the most vulnerable refugees and the most at risk of neglect, violence, forced military recruitment, sexual assault, abuse and vulnerability to infectious disease, such as human immunodeficiency virus/acquired immunodeficiency syndrome, malaria and tuberculosis, and therefore require special assistance and care,

Mindful of the fact that the ultimate solution to the plight of unaccompanied minors is their return to and reunification with their families,

Bearing in mind that the most important steps in working with unaccompanied minors are rapid identification, immediate registration and documentation and tracing of family,

Recalling the outcome document entitled "A world fit for children", adopted on 10 May 2002 by the General Assembly at its twenty-seventh special session,

Noting with appreciation the efforts of the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund in the identification and tracing of unaccompanied minors, and welcoming their efforts in reunifying families of refugees,

Welcoming the efforts exerted by the United Nations High Commissioner for Refugees to reunite refugees with their families,

Noting the efforts of the High Commissioner to ensure the protection of and assistance to refugees, including children and unaccompanied minors, and that further enhanced efforts need to be exerted to this effect,

Recalling the provisions of the Convention on the Rights of the Child, and the 1951 Convention and the 1967 Protocol thereto relating to the Status of Refugees,

1. *Takes note* of the report of the Secretary-General;
2. *Expresses its deep concern* at the continuing plight of unaccompanied refugee minors, and emphasizes once again the urgent need for their early identification and for timely, detailed and accurate information on their number and whereabouts;

3. *Stresses* the importance of providing adequate resources for programmes of identification, registration, documentation and tracing of unaccompanied minors and their reunification with their families;

4. *Calls upon* the Office of the United Nations High Commissioner for Refugees, in cooperation with other relevant United Nations bodies, to incorporate into its programmes policies that aim at preventing the separation of refugee families, conscious of the importance of family unity;

5. *Calls upon* all Governments, the Secretary-General, the Office of the High Commissioner, all United Nations organizations, as well as other international organizations and non-governmental organizations concerned to exert the maximum effort to assist and protect refugee minors and to expedite the return and reunification with their families of unaccompanied refugee minors;

6. *Urges* the Office of the High Commissioner, all United Nations organizations, as well as other international organizations and non-governmental organizations concerned to take appropriate steps to mobilize resources commensurate with the needs of unaccompanied refugee minors and for their reunification with their families;

7. *Calls upon* all States and other parties to armed conflict to comply with their obligations under international humanitarian law, human rights law and refugee law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and related instruments, and to respect the provisions of the Convention on the Rights of the Child, which accord children affected by armed conflict special protection and treatment;

8. *Condemns* all acts of exploitation of unaccompanied refugee minors, including their use as soldiers or human shields in armed conflict and their forced recruitment into military forces, and any other acts that endanger their safety and personal security;

9. *Acknowledges* that education is among the most effective initial means of ensuring protection for unaccompanied minors, especially girls, by shielding them from exploitative activities such as child labour, military recruitment or sexual exploitation and abuse;

10. *Calls upon* the Secretary-General, the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs of the Secretariat, the United Nations Children's Fund, other United Nations organizations and other international organizations to mobilize adequate assistance to unaccompanied refugee minors in the areas of relief, education, recreational activities, health and psychological rehabilitation;

11. *Encourages* the Special Representative of the Secretary-General for Children and Armed Conflict in his efforts to raise awareness worldwide and mobilize official and public opinion for the protection of children affected by armed conflict, including refugee minors;

12. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution and to give special attention in his report to the girl-child refugee.

Regional activities

Africa

Report of Secretary-General. In response to General Assembly resolution 57/183 [YUN 2002, p. 1209], the Secretary-General submitted a September report on assistance to refugees, returnees and displaced persons in Africa [A/58/353], updating information contained in his 2002 report [YUN 2002, p. 1208]. He stated that, in early 2003, Africa was hosting 3.3 million refugees, 32 per cent of the global refugee population. Almost 350,000 African refugees were repatriated during the reporting period, mainly Angolan, Burundian, Sierra Leonean and Somalian nationals. The main African refugee groups continued to originate from Angola, Burundi, the DRC, Eritrea, Somalia and the Sudan, with major new refugee outflows reported from Burundi, the Central African Republic, Côte d'Ivoire, the DRC and Liberia in 2002.

In East Africa and the Horn of Africa, which was hosting some 940,000 refugees, persistent political, humanitarian and socio-economic challenges, including acute food shortages in Eritrea and Ethiopia, continued to take their toll on refugee operations. However, progress on a few of the major political and humanitarian problems in the subregion opened the way for voluntary repatriation operations, notably for Eritrean and Somali refugees. Hopes of resolving the crisis in the Sudan prompted preparation of contingency plans for the return and reintegration of half a million Sudanese refugees from six neighbouring States. However, rebel attacks on refugee settlements in Uganda, persistent insecurity in western Ethiopia and violence in parts of Kenya undermined UNHCR operations, displacing thousands of Sudanese refugees in those countries.

The Central Africa and the Great Lakes subregion was host to an estimated 1.3 million refugees. In the Central African Republic, UNHCR continued to protect and assist thousands of refugees from neighbouring States, despite the general insecurity and political and economic turmoil prevailing in that country. UNHCR began to promote the voluntary return of Rwandan refugees. By the end of 2002, 23,800 Rwandan refugees had returned from the United Republic of Tanzania and 14,000 from the DRC. In 2003, 4,000 Rwandan refugees were assisted to return from the DRC and Tanzania. In Burundi, the peaceful handover of power to a new regime opened further possibilities for addressing the situation of an estimated 574,000 Burundian refugees in exile. In Tanzania, some of the largest refugee caseloads in Africa posed major challenges to the international community in terms

of providing protection and assistance, including the provision of adequate food. In the DRC, a peace agreement with Rwanda renewed impetus for the voluntary repatriation of Rwandan refugees residing there, some 6,000 of whom returned home during the year. However, persistent instability in eastern DRC, among other factors, obstructed the anticipated repatriation from neighbouring countries of over 350,000 refugees, and affected the humanitarian community's response to the protection and assistance needs of over half a million IDPs in the country. In Angola, the Government took measures to further consolidate and enhance the refugee protection mandate, and the peace process between the Government and the National Union for the Total Independence of Angola (UNITA) enabled the repatriation of thousands of Angolan refugees from the DRC.

In West Africa, where 1 million persons of concern resided, the end of the civil war in Sierra Leone and renewed hostilities in some host countries paved the way for many Sierra Leonean refugees to return home. Since the beginning of the return programme in 2000, up to 213,000 refugees had repatriated voluntarily, 115,000 of whom were assisted by UNHCR. In total, some 300,000 Sierra Leoneans had benefited from assistance in returnee areas through community-based projects. In contrast, the ongoing war in Liberia resulted in hundreds of thousands of IDPs and forced some 275,000 Liberians to flee to neighbouring countries, mostly to Guinea. In Côte d'Ivoire, where a 2002 coup d'état sparked a civil war and significant population movements, UNHCR continued to ensure the safety of some 45,000 refugees and to meet basic protection and assistance needs. In Guinea, the Office continued to assist the refugee population in camps and to promote voluntary repatriation.

In Southern Africa, which was hosting 685,000 persons of concern to UNHCR, the consolidation of peace in Angola allowed some 130,000 Angolan refugees to return home spontaneously, and assistance measures helped reintegrate them in their home villages. In Zambia, which hosted over 250,000 refugees, the largest refugee population in the subregion, the Government, with support from UNHCR, the United Nations Office for Project Services and the international community, continued to implement local integration projects. Peace prospects in the DRC and Rwanda had also raised hopes for the return of refugees from both countries who had fled to other Southern African States. Nonetheless, critical food shortages continued to affect the subregion, with some 6 million people in need of support.

Describing cooperation with regional bodies and initiatives, the Secretary-General stated that an important development was the signing, in May, of a memorandum of understanding between the African Commission on Human and Peoples' Rights and UNHCR, designed to strengthen cooperation and to promote and protect the human rights of refugees and other persons of concern.

UNHCR report. According to UNHCR's *Global Report 2003*, persons of concern in Africa during the year totalled 4.5 million, comprising some 3.3 million refugees, 180,639 asylum-seekers, 669,655 IDPs and 329,528 returnee refugees.

In Central Africa and the Great Lakes, UNHCR's major preoccupation was the influx into Chad of tens of thousands of people from the Darfur region of the Sudan. The emergency posed a major challenge, owing mainly to the length and inaccessibility of the borderland to which the refugees fled. Other challenges affecting humanitarian operations related to continuing insecurity in Burundi, the Central African Republic and the DRC, and to environmental degradation in Tanzania. Despite those problems, UNHCR was able to either repatriate or settle thousands of Burundian, Rwandan and Somali refugees. Positive developments in East Africa and the Horn of Africa included the repatriation and reintegration of some 9,444 Eritreans, 10,227 Somalis and 281 Ugandans. Following the outbreak of fighting in the Sudan's Darfur region, however, and the killing of three humanitarian workers in north-west Somalia (Somaliland), hopes of further progress were dashed. In West Africa, UNHCR assisted over 33,000 Sierra Leonean refugees to return home and facilitated the local integration of urban refugees in the country. Major concerns in West Africa included sporadic and complex population flows, resulting mainly from the conflicts in Côte d'Ivoire and Liberia. Significant developments in Southern Africa included the repatriation of 76,674 Angolan refugees and the resettlement in the country of another 435 from neighbouring States. Combating HIV/AIDS was a priority and emphasis was placed on ensuring that related refugee care was included in host countries' health programmes. Challenges in the subregion included restrictive refugee legislation, irregular refugee movements and a backlog of asylum applications, and the limited capacity of some countries, most notably Angola, to receive and reintegrate returnees.

UNHCR assisted 1.3 million persons in Central Africa and the Great Lakes region, which received \$101.3 million in agency expenditures. In West Africa, \$110.8 million was spent on 1.5 million persons of concern, while some \$107 million

was spent on programmes assisting 1 million persons in need in East Africa and the Horn of Africa. In Southern Africa, \$57.5 million was spent on over half a million persons of concern.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/58/503], adopted **resolution 58/149** without vote [agenda item 112].

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 57/183 of 18 December 2002,

Recalling also the provisions of its resolution 2312 (XXII) of 14 December 1967, by which it adopted the Declaration on Territorial Asylum,

Recalling further the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969 and the African Charter on Human and Peoples' Rights,

Recalling the Khartoum Declaration and the Recommendations on Refugees, Returnees and Internally Displaced Persons in Africa adopted by the Organization of African Unity at the ministerial meeting held at Khartoum on 13 and 14 December 1998,

Welcoming decision EX/CL/Dec.46(III) on the situation of refugees, returnees and displaced persons in Africa adopted by the Executive Council of the African Union at its third ordinary session, held at Maputo from 4 to 8 July 2003,

Welcoming also decision AHG/Dec.165(XXXVII) on the fiftieth anniversary of the adoption of the 1951 Convention relating to the Status of Refugees, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-seventh ordinary session, held at Lusaka from 9 to 11 July 2001,

Recalling its resolution 57/2 of 16 September 2002 on the United Nations Declaration on the New Partnership for Africa's Development, and affirming that international support for the implementation of the New Partnership for Africa's Development is essential, notably as it relates to refugees, returnees and displaced persons,

Reaffirming that the 1951 Convention relating to the Status of Refugees, together with the 1967 Protocol thereto, as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

Recognizing that the fundamental principles and rights embodied in those conventions have provided a resilient protection regime within which millions of refugees have been able to find safety from armed conflicts and persecution,

Welcoming in that regard the Declaration adopted at the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, held at Geneva on 12 and 13 December 2001, as an expression of their collective commitment to full and effective implementation of the Convention and the Protocol,

Recalling the Comprehensive Implementation Plan adopted by the Special Meeting of Governmental and

Non-Governmental Technical Experts convened by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees at Conakry from 27 to 29 March 2000 on the occasion of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969, and noting its endorsement by the Council of Ministers of the Organization of African Unity at its seventy-second ordinary session, held at Lomé from 6 to 8 July 2000,

Commending the convening of the first African Union Ministerial Conference on Human Rights in Africa at Kigali on 8 May 2003, and recalling the attention paid to issues relevant to refugees and displaced persons in the Kigali Declaration adopted by the Conference,

Recognizing the contributions made by African States to the development of regional standards for the protection of refugees and returnees, and noting with appreciation that countries of asylum are hosting refugees in a humanitarian spirit and in a spirit of African solidarity and brotherhood,

Recognizing also the need for States to address resolutely the root causes of forced displacement and to create conditions that facilitate durable solutions for refugees and displaced persons, and stressing in that regard the need for States to foster peace, stability and prosperity throughout the African continent to forestall large refugee flows,

Convinced of the need to strengthen the capacity of States to provide assistance to and protection for refugees, returnees and displaced persons and of the need for the international community, within the context of burden-sharing, to increase its material, financial and technical assistance to the countries affected by refugees, returnees and displaced persons, to simultaneously address the inadequacies of existing assistance arrangements and to support initiatives in this regard,

Acknowledging with appreciation that some assistance is already rendered by the international community to refugees, returnees and displaced persons and host countries in Africa,

Noting the "Convention Plus" initiative of the United Nations High Commissioner for Refugees, which is aimed at strengthening the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden- and responsibility-sharing and realizing durable solutions,

Deeply concerned about the continuing critical humanitarian situation in African countries, in particular in the Horn of Africa and Southern Africa, aggravated, among other things, by persistent natural disasters, including drought, floods and desertification, which can precipitate the displacement of people,

Noting with great concern that, despite all the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious,

Stressing that the provision of relief and assistance to African refugees by the international community should be on an equitable and non-discriminatory basis,

Considering that, among refugees, returnees and internally displaced persons, women and children are

the majority of the population affected by conflict and bear the brunt of atrocities and other consequences of conflict,

1. *Takes note* of the reports of the Secretary-General and the United Nations High Commissioner for Refugees;

2. *Notes with concern* that the deteriorating socio-economic situation, compounded by political instability, internal strife, human rights violations and natural disasters, has led to increased numbers of refugees and displaced persons in some countries of Africa, and remains particularly concerned about the impact of large-scale refugee populations on the security, socio-economic situation and environment of countries of asylum;

3. *Encourages* African States to ensure the full implementation of and follow-up to the Comprehensive Implementation Plan adopted by the Special Meeting of Governmental and Non-Governmental Technical Experts convened by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees at Conakry from 27 to 29 March 2000 on the occasion of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969;

4. *Calls upon* States and other parties to armed conflict to observe scrupulously the letter and the spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

5. *Expresses its appreciation* for the leadership shown by the United Nations High Commissioner for Refugees since assuming office in January 2001, and commends the Office of the High Commissioner for its ongoing efforts, with the support of the international community, to assist African countries of asylum and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

6. *Reaffirms* that international protection and the search for durable solutions for refugees and, as appropriate, other persons of concern to the Office of the High Commissioner, which were examined, inter alia, in the Global Consultations on International Protection process and are reflected in the Agenda for Protection, are at the core of the mandate of the Office;

7. *Welcomes* the efforts of the Office of the High Commissioner to strengthen its linkages with the other parts of the United Nations system in order to enhance refugee protection and to identify and implement durable solutions for refugees and other persons of concern to the Office, and appreciates the efforts of the Office to strengthen partnerships with operational and implementing partners;

8. *Takes note* of the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees as an expression of their collective commitment to full and effective implementation of the Convention and the Protocol;

9. *Reaffirms* that the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, as complemented by the Organization of African Unity Convention of 1969, remain the foundation of the international refugee protection regime in Africa, encourages African States that have not yet done so to accede to

those instruments, and calls upon States parties to the Conventions to reaffirm their commitment to their ideals and to respect and observe their provisions;

10. *Notes* the need for States to address the root causes of forced displacement in Africa, and calls upon African States, the international community and relevant United Nations organizations to take concrete action to meet the needs of refugees, returnees and displaced persons for protection and assistance and to contribute generously to national projects and programmes aimed at alleviating their plight;

11. *Also notes* the link, inter alia, between human rights violations, poverty, natural disasters and environmental degradation and population displacement, and calls for redoubled and concerted efforts by States, in collaboration with the African Union, to promote and protect human rights for all and to address those problems;

12. *Encourages* the Office of the United Nations High Commissioner for Refugees to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights and the African Commission on Human and Peoples' Rights, within their respective mandates, in the promotion and protection of the human rights and fundamental freedoms of refugees, returnees and displaced persons in Africa, and welcomes in this regard the signing of the memorandum of understanding between the African Commission on Human and Peoples' Rights and the Office of the United Nations High Commissioner for Refugees on 26 May 2003;

13. *Notes with appreciation* the ongoing mediation and conflict resolution efforts carried out by African States, the African Union and subregional organizations, as well as the establishment of regional mechanisms for conflict prevention and resolution, and urges all relevant parties to address the humanitarian consequences of conflicts;

14. *Expresses its appreciation and strong support* for those African Governments and local populations that, in spite of the general deterioration of socio-economic and environmental conditions and overstretched national resources, continue to accept the additional burden imposed upon them by increasing numbers of refugees and displaced persons, in compliance with the relevant principles of asylum;

15. *Welcomes* the decision of African heads of State and Government to address the situation of refugees, returnees and displaced persons in Africa within the context of the New Partnership for Africa's Development;

16. *Expresses its concern* about instances in which the fundamental principles of asylum are jeopardized by unlawful expulsion or refoulement or by threats to the life, physical security, integrity, dignity and well-being of refugees;

17. *Reaffirms* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, and calls upon States, in cooperation with international organizations, within their mandates, to take all necessary measures to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or

used for purposes that are incompatible with their civilian character;

18. *Deplores* the deaths, injuries and other forms of violence sustained by staff members of the Office of the High Commissioner, urges States, parties to conflict and all other relevant actors to take all necessary measures to protect activities related to humanitarian assistance, prevent attacks on and kidnapping of national and international humanitarian workers and ensure their safety and security, calls upon States to investigate fully any crime committed against humanitarian personnel and to bring to justice persons responsible for such crimes, and calls upon organizations and aid workers to abide by the national laws and regulations of the countries in which they operate;

19. *Condemns* any exploitation of refugees, especially their sexual abuse and exploitation, calls for those responsible for such deplorable acts to be brought to justice, welcomes in this regard the conclusion on protection from sexual abuse and exploitation adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fifty-fourth session, and notes with deep concern that inadequate protection and/or inappropriate assistance, particularly concerning the quantity and quality of food and other material assistance, increases the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;

20. *Welcomes* the decision of the Office of the High Commissioner to put in place a code of conduct for humanitarian personnel aimed at preventing the exploitation of refugees, especially in the area of sexual exploitation;

21. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the international refugee protection system;

22. *Calls upon* the Office of the High Commissioner, the international community and other concerned entities to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities;

23. *Reaffirms* the right of return and the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

24. *Notes with satisfaction* the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by the Office of the High Commissioner

with the cooperation and collaboration of countries hosting refugees and countries of origin, and welcomes the efforts under way, in cooperation with other United Nations agencies and development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, including the "4Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return;

25. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden-sharing, to the third-country resettlement requests of African refugees, and notes with appreciation that some African countries have offered resettlement places for refugees;

26. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes that benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives;

27. *Welcomes* the programmes carried out by the Office of the High Commissioner with host Governments, the United Nations, non-governmental organizations and the international community to address the environmental and socio-economic impact of refugee populations;

28. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;

29. *Expresses its concern* about the long stay of refugees in certain African countries, and calls upon the Office of the High Commissioner to keep its programmes under review, in conformity with its mandate in the host countries, taking into account the increasing needs of refugees;

30. *Notes* the conclusion adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fifty-fourth session on the importance of early and effective registration systems and censuses as a tool of protection and as a means to enable the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

31. *Emphasizes* the need for the Office of the High Commissioner to collate statistics, on a regular basis, on the number of refugees living outside refugee camps in certain African countries with a view to evaluating and addressing the needs of those refugees;

32. *Urges* the international community, in a spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

33. *Requests* all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children and displaced persons, including those with special protection needs;

34. *Calls upon* States and the Office of the High Commissioner to make renewed efforts to ensure that

the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

35. *Expresses grave concern* about the plight of internally displaced persons in Africa, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement, and urges the international community, led by relevant United Nations organizations, to contribute generously to national projects and programmes aimed at alleviating the plight of internally displaced persons;

36. *Invites* the Representative of the Secretary-General on internally displaced persons to continue his ongoing dialogue with Member States and the inter-governmental and non-governmental organizations concerned, in accordance with his mandate, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

37. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-ninth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions", and to present an oral report to the Economic and Social Council at its substantive session of 2004.

Sexual exploitation of refugees in West Africa

The General Assembly, in April, considered the 2002 [YUN 2002, p. 1202] OIOS report [A/57/465] on its investigation of allegations of sexual exploitation of female refugees by UN and NGO staff and peacekeepers in West Africa (Guinea, Liberia, Sierra Leone).

GENERAL ASSEMBLY ACTION

On 15 April [meeting 83], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/57/604/Add.1], adopted **resolution 57/306** without vote [agenda item 122].

Investigation into sexual exploitation of refugees by aid workers in West Africa

The General Assembly,

Recalling its resolutions 48/218 B of 29 July 1994 and 54/244 of 23 December 1999,

Recalling also paragraph 14 of Security Council resolution 1400(2002) of 28 March 2002 and paragraph 10 of Council resolution 1460(2003) of 30 January 2003,

Having considered the report of the Office of Internal Oversight Services on the investigation into sexual exploitation of refugees by aid workers in West Africa,

Recognizing the important roles and responsibilities that humanitarian and peacekeeping personnel have in protecting and assisting vulnerable populations, especially refugees and internally displaced persons, and expressing appreciation for the valuable efforts of the vast majority of such personnel in this regard,

Expressing its grave concern at incidents of sexual exploitation and abuse against vulnerable populations, in particular refugees and internally displaced persons in West Africa and elsewhere,

Emphasizing that the highest standards of conduct and accountability are required of all personnel serving in humanitarian and peacekeeping operations,

1. *Takes note* of the report of the Office of Internal Oversight Services on the investigation into sexual exploitation by aid workers in West Africa;

2. *Expresses its serious concern* that the conditions in refugee camps and communities may make refugees, especially women and children, vulnerable to sexual and other forms of exploitation;

3. *Condemns* any exploitation of refugees and internally displaced persons, especially sexual exploitation, and calls for those responsible for such deplorable acts to be brought to justice;

4. *Emphasizes* the need to create an environment free of sexual exploitation and abuse in humanitarian crises by, inter alia, integrating the prevention of and response to sexual exploitation and abuse into the protection and assistance functions of all humanitarian and peacekeeping personnel;

5. *Notes with appreciation* the Plan of Action developed by the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, and encourages all relevant agencies to pursue its effective and appropriate implementation;

6. *Requests* the Secretary-General to ensure that the remedial and preventive measures taken by the Office of the United Nations High Commissioner for Refugees and its implementing partners, the Inter-Agency Standing Committee and the Department of Peacekeeping Operations of the United Nations Secretariat, in response to recommendations of the Office of Internal Oversight Services are extended, as appropriate, to all peacekeeping missions, refugee camps, refugee-related operations and other humanitarian operations;

7. *Also requests* the Secretary-General to ensure that, in response to recommendations of the Office of Internal Oversight Services, clear and consistent procedures for impartially reporting and investigating instances of sexual exploitation and related offences are in place in all United Nations peacekeeping missions and humanitarian operations;

8. *Encourages* all United Nations organizations, funds and programmes, and specialized agencies and non-governmental organizations, to incorporate into codes of conduct specific responsibilities of humanitarian aid workers to prevent and respond appropriately to sexual exploitation and abuse and to adopt appropriate disciplinary procedures for dealing with such violations when they occur;

9. *Recognizes* the shared responsibility, within their respective competencies, of United Nations organizations and agencies and troop-contributing countries to ensure that all personnel are held accountable for sexual exploitation and related offences committed while serving in humanitarian and peacekeeping operations;

10. *Requests* the Secretary-General, in response to recommendations of the Office of Internal Oversight Services, to maintain data on investigations into sexual exploitation and related offences, irrespective of age

and gender, by humanitarian and peacekeeping personnel, and all relevant actions taken thereon;

11. *Recalls* its decision that reports of the Office of Internal Oversight Services should be considered under the relevant items of the agenda of the General Assembly;

12. *Requests* the Secretary-General, in his implementation of the measures pursuant to the report of the Office of Internal Oversight Services, to proceed expeditiously also with the implementation of the present resolution, inter alia, by issuing as soon as possible his bulletin on sexual exploitation and abuse, and to report thereon to the General Assembly at its fifty-eighth session, including information on any new cases of sexual exploitation revealed and the measures taken to deal with such cases.

Note by Secretary-General. In response to Assembly resolution 57/306 (see p. 1237), the Secretary-General, on 10 November [A/58/559], summarized actions he had taken to address the problem of sexual exploitation and abuse. He had issued an October bulletin on the issue, emphasized the significance of the problem to the Senior Management Group of the common system and indicated plans to implement the bulletin in the field. The UN Office of Human Resources Management would collect information on investigations into cases of sexual exploitation and abuse for preparation of the report requested by the Assembly. The Secretariat had received no reports of investigations into such allegations in 2003.

On 23 December (**decision 58/558**), the General Assembly noted the information.

The Americas

Developments in North America and the Caribbean during the year included Canada's plans to reorganize its national refugee system, assigning responsibility for some issues relating to citizenship and immigration, including detention and removals, to a newly created Department of Public Safety and Emergency Preparedness. The United States maintained primary focus on threats posed by international terrorism and the Iraq war, with the resulting restrictive asylum environment. The newly created Department of Homeland Security incorporated the former Immigration and Naturalization Service, which was in turn split into three agencies with practical implications for the implementation of national immigration, refugee and asylum policies. UNHCR monitored those policy developments in both countries, especially the adverse effects of the ongoing emphasis on security on the United States resettlement programme. In 2003, arrivals totalled 28,422, well below the approved ceiling of 70,000. Continuing unrest in Haiti and the potential for a mass exodus prompted UNHCR to

step up contingency plans with States likely to be affected. In Central America and Mexico, restrictive migratory and security concerns in some countries posed difficulties for persons seeking access. A major challenge for UNHCR remained the identification of asylum-seekers among mixed flows of migrants and ensuring alternatives to detention. Also, UNHCR's reduced presence in the subregion affected its capacity to protect refugees and other persons of concern at entry points; economic and social factors hampered local integration, particularly in Costa Rica; and Belize lacked a functioning asylum procedure. In South America, there were fewer newly displaced persons in 2003 than in previous years. However, the conflict in Colombia continued to cause major population displacement and an outward flow to neighbouring States. The presence of illegal armed groups along the borders with Colombia had a negative impact on the asylum policies of those countries. UNHCR's response focused on ensuring that asylum-seekers were protected and assisted, consolidating the legal and institutional asylum framework, and coordinating protection and assistance networks. It opened a representative office in Panama, helped to enhance institutional capacity-building in Peru and established quick-impact projects to benefit some 26,000 persons of concern in 27 communities in Venezuela. The integration of groups of resettled refugees remained difficult in some Latin American countries, notably in Brazil and Chile, because of limited opportunities open to them for self-reliance.

Total UNHCR expenditure in the Americas in 2003 was \$24.3 million, for a population of concern numbering approximately 3 million.

Asia and the Pacific and the Arab States

In 2003, UNHCR spent a total of \$54.4 million on activities in Asia and the Pacific, for a total population of concern of 1.4 million. For operations in Central Asia, South-West Asia, North Africa and the Middle East, a total of \$225 million was spent for a population of concern of 4 million.

South Asia

During the year, the refugee situation in South Asia was affected by a deteriorating situation in Nepal, following resumed hostilities between government forces and Maoist rebels, and by a continuing stalemate in the Bhutan-Nepal bilateral process, which had kept over 100,000 people in Nepalese camps for several years. In another protracted situation, 19,700 Myanmar Muslims had been living in temporary asylum in Bangladesh for more than a decade. Relative progress

was made in that situation as UNHCR facilitated the voluntary return to Myanmar of some 3,231 refugees and proposed self-reliance projects for several thousand of the others remaining in Bangladesh. In Sri Lanka, the 2002 ceasefire agreement [YUN 2002, p. 1213] paved the way for the return of 345,734 IDPs to their home areas and 5,964 refugees from India. UNHCR strengthened its operational capacity in the country and expanded its field presence to monitor more closely the human rights situation in return areas.

East Asia and the Pacific

In East Asia and the Pacific, renewed fighting in Indonesia's Aceh province resulted in a sharp increase in asylum-seekers into neighbouring Malaysia, another 8,000 persons from Myanmar requested UNHCR protection and assistance, and the plight of North Koreans in China remained a cause of concern to UNHCR. UNHCR was constrained by lack of access to asylum-seekers and populations of concern throughout the subregion, especially in Cambodia, Viet Nam and areas along China's border with North Korea. Efforts by the Office to find durable solutions for former East Timorese refugees in Indonesia were constrained by ongoing UN security restrictions in West Timor. In Viet Nam, UNHCR intervened with authorities on the naturalization and local integration of 2,400 Cambodians residing in Vietnamese camps since 1979. In Papua New Guinea, it supported the registration of 2,500 refugees, an essential step to obtaining residency certificates. In West Timor, the construction of 870 houses enabled the closure of several camps for East Timorese refugees and helped reduce tension along the border with Timor-Leste. At year's end, only 385 files of East Timorese separated children remained open.

Central Asia, South-West Asia, North Africa and the Middle East

In Central Asia, UNHCR became a partner in implementing an EU border management programme that would ensure that the rights and needs of refugees and asylum-seekers were respected. Although progress was made in developing and strengthening refugee protection and in establishing related national structures, particularly in Kyrgyzstan and Tajikistan, challenges remained in a number of other countries in the region. During the year, UNHCR assisted 362 Afghans to return from Central Asian States and 76 Chechen asylum-seekers in Kyrgyzstan and 143 Tajik refugees to return to their homes. It resettled some 208 refugees in third countries. In South-West Asia, UNHCR continued to facilitate the voluntary repatriation of Afghan refugees

and IDPs, some 485,400 of whom were assisted, particularly from Iran and Pakistan. The low rate of return in 2003, compared to the 2002 figure of 1.8 million, was attributed to instability and economic underdevelopment in potential high return areas and the slow imposition of the rule of law in Afghanistan. In Iran, UNHCR's agreement with the authorities to introduce a screening mechanism ensured that repatriated Afghans had access to UNHCR for continuing protection. UNHCR signed a tripartite agreement with Pakistan and Afghanistan, which committed the two Governments to a policy of voluntary return. However, security problems in parts of both countries, as well as the conflict in Iraq, continued to affect UNHCR operations. In November, the return operation was suspended temporarily following the murder of a UNHCR staff member in Afghanistan.

In North Africa, UNHCR's main concern was the situation of some 165,000 refugees from Western Sahara living in camps in south-western Algeria for more than 25 years. A breakthrough in the political stalemate between the parties to the Western Saharan conflict allowed the implementation of confidence-building measures, including opportunities for separated families to meet.

In the Middle East, UNHCR assisted some 9,000 Iraqis who had sought asylum in Iran, Lebanon, Saudi Arabia and the Syrian Arab Republic to return to their homes, despite continuing insecurity in the country. At UNHCR's request, Iraq's neighbours introduced a temporary protection regime, banning the forced return of Iraqis, and strengthened protection and assistance to refugee women and children in the region. UNHCR worked to raise public awareness of its activities and concerns through the establishment of a web site in Arabic and the work of its Goodwill Ambassador, Adel Imam. Following the 19 August attack on the UN complex in Baghdad (see p. 346) and the withdrawal of international staff members, the responsibility for maintaining UNHCR's programme there devolved to locally recruited staff and UNHCR's implementing partners.

Europe

In 2003, UNHCR's expenditure for activities in Europe totalled \$120.5 million for a population of concern of over 5 million. Over half of that amount (\$66 million) was for 1 million persons of concern in South-Eastern Europe.

Western, Central and Eastern Europe

In Western Europe, although asylum claims fell dramatically to 288,100, from 425,528 in 2002, and despite ongoing negotiations to harmonize asylum

systems at the EU level, 12 States amended their national asylum legislation, incorporating restrictive concepts into the system. Some 79 per cent of all new claims in 2003 were received by Austria, France, Germany, Sweden and the United Kingdom. A number of States showed increased interest in resettlement as a durable solution, with the United Kingdom introducing a first annual quota of 500 resettlement cases. Voluntary repatriation gained momentum and some Governments indicated support for initiatives under Convention Plus (see p. 1229). Public information activities remained a key element of UNHCR's Europe strategy, designed to increase awareness and understanding of asylum and related issues. UNHCR expressed concern with regard to proposals within the context of EU negotiations on harmonizing asylum systems, particularly those relating to the draft qualification directive and the draft asylum procedures directive. It proposed, as an alternative approach, improving access to protections and solutions in regions of origin. Other concerns included access to and conditions in reception facilities for asylum-seekers and the mandatory detention of asylum-seekers.

In Central Europe and the Baltic States, where asylum applications rose to 43,320, the year marked a critical transition period for the five newly admitted EU members (Cyprus, Czech Republic, Malta, Poland, Slovenia) as they undertook the challenge of revising or adopting asylum legislation to meet international and EU standards. To meet those new imperatives, UNHCR began taking stock of its programme and management structure in the subregion. Other challenges included the introduction of restrictive bilateral visa regimes; the need to upgrade asylum systems and to enhance refugee status determination capacity; the lack of opportunities for the sustainable integration of recognized refugees, which continued to encourage secondary movements; inadequate safety conditions in reception and detention centres; disappearance of separated children from reception facilities; gender-based violence; discrepancies in asylum procedures among States; and weak implementation of asylum systems. However, progress was made in strengthening asylum structures and procedure. The number of successful appeals against first instance rejections and cases of detention increased and the quality of NGO interventions also improved. UNHCR placed special emphasis on preventing and responding to sexual and gender-based violence at all stages of the asylum process, improving the protection of refugee women, and on their participation in decisions affecting them.

In Eastern Europe, UNHCR increased focus on building asylum systems in fragile environments

where there were ongoing conflicts. In the Russian Federation, progress was made in building the capacity of authorities responsible for persons of concern. In Georgia, the profiling of Chechen refugees considerably reduced tensions in the Pankisi Valley and facilitated the definition of a range of durable solutions. In the light of the impending EU enlargement, which highlighted the need to strengthen asylum systems in the western Commonwealth of Independent States (CIS) countries (Belarus, Moldova, Ukraine), UNHCR strengthened its regional representation in Ukraine to enable it to coordinate its activities. In Armenia and Azerbaijan, UNHCR, in partnership with the European Commission, initiated activities to strengthen reception facilities and the capacity of Governments to address asylum issues.

Follow-up to 1996 conference of CIS countries and neighbouring States

In response to General Assembly resolution 56/134 [YUN 2001, p. 1122], the Secretary-General submitted an August report [A/58/281] on follow-up to the 1996 Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States [YUN 1996, p. 1117]. The report provided information on progress in the implementation of the Conference's Programme of Action [ibid., p. 1118] and reviewed progress made and future plans.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/58/503], adopted **resolution 58/154** without vote [agenda item 112].

Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

The General Assembly,

Recalling its resolutions 48/113 of 20 December 1993, 49/173 of 23 December 1994, 50/151 of 21 December 1995, 51/70 of 12 December 1996, 52/102 of 12 December 1997, 53/123 of 9 December 1998 and, in particular, resolutions 54/144 of 17 December 1999 and 56/134 of 19 December 2001,

Taking note of the report of the Secretary-General,

Having considered the report of the United Nations High Commissioner for Refugees,

Reaffirming the importance and continuing validity of the Programme of Action, adopted in 1996 by the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant

Neighbouring States, as a basic guiding tool for future activities,

Recognizing the ongoing acuteness of the migration and displacement problems in the countries of the Commonwealth of Independent States and the necessity to follow up the Conference,

Recalling the decision of the Steering Group of the Conference at its fifth meeting to continue activities in the process entitled "Follow-up to the 1996 Geneva Conference on the Problems of Refugees, Displaced Persons, Migration and Asylum Issues" for a period of five years,

Recalling also the Work Plan for the Thematic Issues, prepared jointly by the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the Organization for Security and Cooperation in Europe and the Council of Europe, in accordance with the recommendations adopted by the Steering Group at its fifth meeting,

Welcoming the convening, in Moscow from 20 to 23 November 2001, of the second meeting of experts within the framework of the Work Plan for the Thematic Issues, on the topic of asylum system development and treatment of asylum-seekers, as well as international efforts aimed at improving migration regulation and border management, with due regard for refugee protection matters, and encouraging all lead agencies to continue to implement the Work Plan,

Welcoming also the subregional initiatives within the framework of transboundary cooperation and the convening, in Kolmården, Sweden, in September 2002, of the senior-level review meeting,

Reaffirming the view of the Conference that the primary responsibility for tackling population displacement problems lies with the affected countries themselves and that these issues are to be regarded as national priorities, while at the same time recognizing the need for enhancing international support for the national efforts of the countries of the Commonwealth of Independent States aimed at the effective implementation of such responsibilities within the framework of the Programme of Action adopted by the Conference,

Noting with satisfaction the efforts of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe in developing strategies and practical tools for more effective capacity-building in countries of origin and enhancing programmes to address the needs of various categories of concern to the countries of the Commonwealth of Independent States,

Taking note of the positive results emanating from the implementation of the Programme of Action,

Convinced of the necessity of further strengthening practical measures and of continuing to maintain the regional approach for the achievement of effective implementation of the Programme of Action,

Noting with concern the decision to postpone the high-level review meeting concerning the implementation of the decisions of the Conference,

Recalling that the protection and promotion of human rights and the strengthening of democratic institutions are essential to prevent mass population displacement,

Mindful that adherence to the principles and the recommendations contained in the Programme of Action

should be facilitated and that they can be ensured only through cooperation and coordinated activities undertaken in this respect by all interested States, intergovernmental and non-governmental organizations and other actors,

1. *Takes note* of the report of the United Nations High Commissioner for Refugees;

2. *Calls upon* the Governments of the countries of the Commonwealth of Independent States, in cooperation with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe, to strengthen their efforts and mutual cooperation relating to the follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, and welcomes the positive results achieved by them in the implementation of the Programme of Action adopted by the Conference;

3. *Invites* all States that have not yet done so to accede to and implement fully the 1951 Convention and the 1967 Protocol relating to the Status of Refugees;

4. *Calls upon* States and interested international organizations, in a spirit of solidarity and burden-sharing, to provide appropriate forms and levels of support for activities undertaken in follow-up to the Programme of Action;

5. *Invites* international financial and other institutions to contribute to the financing of projects and programmes within the framework of such follow-up activities;

6. *Invites* the countries of the Commonwealth of Independent States to intensify bilateral, subregional and regional cooperation in maintaining the balance of commitments and interests in such activities;

7. *Calls upon* the Governments of the countries of the Commonwealth of Independent States to continue to strengthen their commitment to the principles underpinning the Programme of Action, in particular principles of human rights and refugee protection, and to lend high-level political support to ensure the implementation of activities undertaken in follow-up to the Programme of Action;

8. *Invites* the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration to enhance their mutual relationship with other key international actors, such as the Council of Europe, the European Commission and human rights, development and financial institutions, in order better to address the wide-ranging and complex issues in activities undertaken in follow-up to the Programme of Action;

9. *Welcomes* the progress made in building civil society, in particular through the development of the non-governmental sector and the development of cooperation between non-governmental organizations and the Governments of a number of countries of the Commonwealth of Independent States, and notes in this regard the relationship between adherence to the principles of the Programme of Action and success in promoting civil society, especially in the field of human rights;

10. *Encourages* the involvement of intergovernmental and non-governmental organizations in the follow-

up to the Conference, and invites them to demonstrate stronger support for the process of multinational constructive dialogue among a wide range of countries concerned;

11. *Emphasizes* the necessity of undertaking follow-up activities to the Programme of Action in relation to ensuring respect for human rights as an important factor in the management of migration flows, the consolidation of democracy, the rule of law and stability;

12. *Recognizes* the importance of taking measures, on the basis of strict adherence to all of the principles of international law, including humanitarian, human rights and refugee law, to prevent situations that lead to new flows of refugees, displaced persons and other forms of involuntary displacement;

13. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the progress achieved in the implementation of activities undertaken in follow-up to the Programme of Action;

14. *Decides* to continue its consideration of the question at its sixtieth session.

South-Eastern Europe

In South-Eastern Europe, the political environment in the Balkans deteriorated and progress slowed down for refugees in Serbia and Montenegro and IDPs in Bosnia and Herzegovina. Also, the economic situation offered a bleak pros-

pect for the welfare of the most vulnerable refugees and displaced persons and stifled hopes of sustainable return. There was also slow progress on property repossession and tenancy rights, which impacted negatively on the repatriation of Croatian refugees. Thus, contrary to earlier expectations that most of the affected refugees and IDPs would be repatriated by year's end, the need for UNHCR's protection and assistance would continue in 2004. Positive developments in the subregion included the fact that the property (restitution) law implementation plan in Bosnia and Herzegovina facilitated the resolution of 92.5 per cent of all property claims and the majority of the sub-regional States adopted new asylum legislation consistent with international standards. A total of 9,280 refugees repatriated to Croatia, and in Serbia and Montenegro some 44,000 refugees were granted citizenship and deregistered. In Bosnia and Herzegovina, 54,300 returns were recorded, while the Kosovo province of Serbia and Montenegro witnessed 3,629 minority returns, a 31 per cent increase over the previous year. Another 2,014 refugees repatriated from Kosovo to the former Yugoslav Republic of Macedonia.