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

Fifty-eighth session

SUMMARY RECORD OF THE 615th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 October 2007, at 10 a.m.

Chairman: Mr. MTESA (Zambia)

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

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

(a) International protection *(continued)*

1. Mr. ISMAEL (Pakistan) supported the Executive Committee's conclusion on children at risk. Children should always be among the first to receive protection and assistance because of their special needs and vulnerabilities. Pakistan also supported the decision to review and evaluate the Committee's conclusions and recommended close coordination in that exercise with national experts and field office representatives. The issues of concern to host countries, such as voluntary repatriation of refugees, financial and technical assistance and capacity-building, should be addressed as priorities in the follow-up to the Note on International Protection (A/AC.96/1038) submitted by the High Commissioner. He expressed gratitude to UNHCR for its extremely effective response to the 2005 earthquake in Pakistan and the unprecedented flooding experienced by the country in 2007.

2. Ms. POLLACK (United States of America) noted that most of the new displaced persons or refugees needing UNHCR assistance were Iraqis. The United States had provided considerable support to UNHCR for the protection of displaced persons in Iraq: it had contributed \$67 million to UNHCR regional and education projects in Iraq and was resettling more Iraqi refugees in the United States than all other countries combined. The United States remained concerned about threats of refoulement for Somali asylum seekers in the Horn of Africa, Afghan refugees in Uzbekistan and Hmong refugees in Thailand, as well as about the situations existing in Darfur, eastern Chad, the Central African Republic, the Democratic Republic of the Congo, Somalia, Sri Lanka and Colombia. It was important to identify synergies among protection efforts and to rationalize the institutional capacities and resources needed to address them. In that connection, the United States welcomed the creation of the Field Reference Group on Protection Policies.

3. The United States identified four main protection priorities. The first was that protection presence was essential to every aspect of UNHCR work, such as preventing refoulement, negotiating humanitarian access and ensuring that basic assistance and security needs were being met. Secondly, registration and profiling were key tools for identifying persons in need of protection and tailoring interventions to their needs. The third priority was protecting individuals and groups at risk, especially women and children, who constituted the majority of displaced persons and were particularly vulnerable. Lastly, statelessness was an emerging issue. The United States was therefore glad that UNHCR had raised the international visibility of stateless persons.

4. Mr. GRAM-JOHANNESSEN (Norway) welcomed the initiative taken by the High Commissioner of addressing mixed migration flows at the Dialogue on Protection Challenges to be held in December. The experience of UNHCR was needed in order to provide necessary protection and avoid refoulement. Since it believed that the best long-

term solutions to the refugee problem were voluntary return and third-country resettlement, Norway maintained a yearly quota of 1,200 places for the resettlement of refugees in its territory. In recent years, the Government had paid particular attention to refugees from Myanmar. A new draft immigration bill presented that year to the Norwegian Parliament included proposals for strengthening refugee protection by incorporating into domestic law more elements from the 1951 Convention. Norway fully supported the conclusions on children at risk that were submitted to the current session of the Executive Committee for approval.

5. Mr. MINAMI (Japan) said that the major protection challenges currently facing UNHCR were preservation of the humanitarian nature of asylum, the security of staff and beneficiaries, collaboration with partners under the cluster approach and protection of refugees in situations of mixed migration. Those issues should be the subject of constructive discussion at the Dialogue on Protection Challenges in December. Japan agreed with the Assistant High Commissioner for Protection that UNHCR needed to manage its phasing down as a strategy, not a reaction. However, UNHCR must ensure that the gradual reduction of its operations did not adversely affect those who needed its help. At the national level, Japan had made efforts to facilitate the integration of refugees by offering them, through the Settlement Support Centre, Japanese language courses, guidance in social and cultural adaptation and assistance with job placement. Japan would continue to give financial support to UNHCR protection activities.

6. Mr. MARTINEZ MARTINEZ (Mexico) said that he wished to comment on the Chairman's report and requested that his statement should be reflected in the report of the current session of the Executive Committee. Paragraph 3 of the Chairman's report, concerning the Ten-Point Plan of Action, stated that consultations had been held on that subject, since it referred to "further consultations". However, no consultations had so far been held on the Plan of Action. The penultimate sentence of the same paragraph stated that members agreed that UNHCR should be an agency for debating issues connected with migration movements. In fact, however, members agreed that UNHCR should provide protection to persons in need in the context of migration flows. The mandate of UNHCR was to provide protection in the context of migration flows and not to debate migration issues. He therefore asked that the necessary changes should be made in the paragraphs in question; if that were not possible, his statement should be reflected in the summary record.

7. In addition, the Mexican delegation reiterated its reservations regarding the Ten-Point Plan of Action and requested that the views of member States on the Plan should be taken into account. In her statement, Ms. Feller had said that a solution was being sought to the problem of irregular secondary movements. That question should be covered in the UNHCR Plan of Action. In addition, the role played by UNHCR in the repatriation of persons not in need of international protection should be studied. All those aspects should be considered at the consultations to be held on the topic of the migration-asylum nexus.

8. Mr. EL AGHBASH (Sudan) said that his country was dealing with massive and constant inflows of refugees and migrants. In that connection, he hoped that the

consideration in December of the question of mixed migration flows would enable the Sudan to improve its ability to register refugees and to distinguish between refugees and non-refugees, particularly within the framework of capacity-building projects. The Government was currently reviewing the 1974 Sudanese law on migration in order to fill any gaps and to strengthen the international protection granted to refugees and asylum seekers. He hoped that those amendments would be approved shortly.

9. Mr. GUILHOU (France) emphasized the importance of strengthening the protection of refugees in the context of the broader migratory movements. France shared the concerns of UNHCR about the risks of refoulement of asylum seekers for reasons connected both with security requirements and with the policy of preventing irregular immigration. In that connection, it should be stressed that the current thinking on the introduction of a common asylum system for the European Union would reduce the risk of refoulement of refugees and beneficiaries of subsidiary protection. In 2007, the European Commission had published a Green Paper with the aim of finalizing a common asylum regime in the European Union by the end of 2010. France endorsed the four pillars of the Green Paper: provision of a higher standard of joint protection; creation of a uniform status in the European Union for refugees and beneficiaries of subsidiary protection; development of solidarity among member States of the European Union; and integration of asylum issues into European cooperation and development strategies, with reference to the external activities of the European Union.

10. Mr. PHUANGKETKEOW (Thailand) endorsed the cluster approach adopted by UNHCR, which should promote a better division of labour and more effective coordination of the activities of the various agencies concerned. UNHCR should work in close collaboration with the States concerned and the partner agencies in order to ensure that its work met the real needs of the population concerned. In that connection, it would be helpful to reach agreement on the definition of internally displaced persons, in order to avoid any confusion and conflicting interpretations. Mixed migratory flows were a problem for many States, and particularly for Thailand. The UNHCR Ten-Point Plan of Action provided useful guidance on the protection of persons in that situation. As regards resettlement, more specifically of the refugees from Myanmar, Thailand had supported the resettlement of hundreds of thousands of refugees in a number of countries in recent years. It was prepared to continue to offer that assistance, but UNHCR and the international community should not lose sight of the need to find long-term solutions to the situation of those refugees, particularly voluntary repatriation.

11. Speaking in exercise of the right of reply, he said that the representative of New Zealand had mentioned difficulties concerning the granting of exit permits by the Thai Government to persons from Myanmar temporarily resident in Thailand. It should be explained that several persons in the group in question had received permission to stay in Thailand and that they had therefore no longer been candidates for resettlement. With regard to the 16 people whose resettlement in New Zealand had been agreed, they had originally been registered with the Ministry of the Interior and had therefore not met the requirements for acceptance for resettlement. However, they had forfeited that right because they had left the temporary refuge where they had been sheltered; that had been a breach of Thai law. It was for that reason that they had not been granted an exit permit.

Like all countries of temporary asylum, Thailand had to apply the established rules when considering resettlement applications. It was, however, open to discussions with New Zealand on that issue.

12. Mr. KROLL (Germany) observed that the causes of population displacements were becoming increasingly complex and interdependent, while the need for protection was more acute than ever. His delegation was particularly concerned about the situation of the Iraqi refugees, in which the main burden fell on the neighbouring countries. Germany was contributing to the effort to protect displaced persons in those countries and welcomed the adoption of the conclusion on children at risk, in the hope that the text would provide guidance to UNHCR staff working to protect children. The number of persons for whom UNHCR was responsible (refugees, displaced persons and stateless persons) was reportedly about 33 million; however, it was estimated that stateless persons alone numbered 15 million and that the number of internally displaced persons was increasing, as was the number of persons affected by climate change. Although reliable statistics were difficult to obtain, a development-oriented approach to the question showed that only with effective coordination, partnership, responsibility sharing and solidarity would it be possible to meet the challenges facing the international community. His delegation believed that it was important to reassure host countries that refugees would remain the core of the UNHCR mandate. It fully supported the creation and harmonization of a common European asylum system guaranteeing that all persons in need of international protection were able to obtain it throughout the territory of the European Union, in accordance with the principles of the 1951 Convention. Germany would remain a place where refugees could live in safety and dignity and would continue to support UNHCR efforts to perform its mandate and assume its responsibilities.

13. Mr ENAYET MOWLA (Bangladesh) said that, in view of the fear that certain protracted situations would monopolize the attention, he was reassured by the High Commissioner's statement that the situation of the Myanmar refugees in Bangladesh was being taken into account in the context of a new initiative designed to provide a comprehensive and sustainable solution. Remarks heard in the Executive Committee made his delegation fear that certain refugees would become "untouchables", just as a sustainable solution was in sight. With regard to projects concerning self-reliance and access to means of subsistence, UNHCR must be careful not to participate in activities within the competence of other development organizations. As regards the dilemma facing the agency, which was being asked to resolve migration issues although its mandate concerned protection and not migration, his delegation believed that UNHCR needed better to understand the broader context in which population movements occurred in order to perform its mandate satisfactorily. Lastly, concerning the Ten-Point Plan of Action, Bangladesh had already advocated more consultations on that subject at the Executive Committee's previous session and believed that the dialogue in December would provide an opportunity for in-depth discussions on the subject. The Plan should not aim to be a universal solution, since it had been formulated and applied in the context of one specific region. Additional consultations were therefore necessary to see how it could be transposed to other situations, whether comparable or not, of mixed migration.

14. Ms. FELLER (Assistant High Commissioner for Protection), responding to the problem raised by the delegation of Bangladesh concerning the role of UNHCR in mixed migratory movements, reassured that delegation that the Plan of Action was not a universal model applicable to all regions but a set of initiatives that could be applied in situations of mixed migratory movements. She did not agree with the Mexican representative that there had been no previous discussions on the subject. The statement made by the United States representative had been highly relevant and very specific, since it had made a recommendation concerning the number of instruments being designed and the need to use them in the service of a wider range of goals designed to promote protection and expand the space allocated to it. UNHCR agreed with the United States about the need to increase the number of its offices in the world, which could be done only with the support of the States attending the current meeting. She associated herself with the emphasis placed by two delegations, one of which was Pakistan, on the need to prioritize solutions and reassured them that UNHCR fully respected national law. Some delegations had stressed the initiative concerning protracted situations and she reiterated her commitment to take into consideration the situation of the refugees in Bangladesh who were in such a situation.

15. UNHCR was glad that, at the December dialogue, it had been invited by the European Commission to comment on the proposed Green Paper and welcomed the desire of the European Union to acquire a common European asylum regime. She praised the initiative of Norway, which held annual consultations with UNHCR on very specific protection issues and strongly encouraged other delegations to follow that example. In addition to Norway and other States, Japan was to be thanked for its support – not only moral but also financial. The protracted situations in the Sudan mentioned by the delegation of that country were being taken into account in the context of the initiative designed to end that type of crisis. The Thai delegation had raised an interesting question by asking whether UNHCR could distinguish precisely between an internally displaced person and someone who was not internally displaced. Referring in that connection to the question of ending internal displacement, she noted that the gradual reduction phase and then the phase of withdrawal of UNHCR action increasingly concerned not only refugees but also internally displaced persons.

16. Ms. TSHERING (Bhutan) said that her delegation had reservations about the content of paragraph 56 of the High Commissioner's Note on International Protection (A/AC.96/1038), which implied that the entire population of the camps in eastern Nepal came from Bhutan. In addition to being factually inaccurate, that prejudged the outcome of the bilateral negotiations between the two countries on the identity of the people living in those camps. Her Government was of the view that the continued appearance of such inaccuracies in UNHCR documents, as well as similar allusions in other statements, served only to propagate and perpetuate misconceptions and did not contribute to resolving that complex issue. Lastly, her delegation could only express surprise at the completely unfounded statement made by one delegation the previous day referring to a possible large refugee outflow from Bhutan.

17. Mr. OBIDOV (Uzbekistan) said that, although it had not been involved in the drafting of the 1951 Convention or of the 1967 Protocol, Uzbekistan had helped UNHCR

in its work, mainly by organizing the repatriation of the Tajik refugees from Turkmenistan and Afghanistan and by providing humanitarian assistance to the Afghan refugees. Between 1993 and 1997, over 17,000 Tajik refugees from Afghanistan had been repatriated via Uzbek territory. Between January 1998 and May 1999, over 4,500 Tajik refugees had left Turkmenistan to return home. Between 2001 and 2004, the Khairaton bridge had made it possible to convey humanitarian assistance worth 4 million dollars to Afghanistan, and in 2005 Uzbek territory had served the same purpose. Following the stabilization of the situation in Tajikistan and the end of military operations in Afghanistan, it had been possible to conclude that phase of UNHCR operations in Uzbekistan and the questions concerning the repatriation of the Afghan refugees had been settled. The Uzbek delegation had taken note of the fact that the UNDP Administrator was dealing with the resettlement of all the persons whose repatriation had previously been the responsibility of UNHCR. Uzbekistan had moreover recommended that the resettlement operation should be concluded as soon as possible. Since it was not a party to the 1951 Convention relating to the Status of Refugees or to the 1967 Protocol, Uzbekistan did not issue documents to refugees allowing them to stay legally in its territory, as the UNDP Administrator had been officially informed. Nor did it have a legal basis for granting refugee or asylum seeker status or even recognizing the status of UNHCR refugee and issuing documents authorizing the persons concerned to stay in its territory legally. A recommendation had been made that the situation of UNHCR refugees should be regularized by means of a visa issued for a fee by the Ministry of the Interior. Without such a visa, those persons would not be able to remain in Uzbek territory without violating national law and the forces of law and order would be required to expel them. His delegation drew the attention of UNHCR to the need strictly to apply the principles of impartiality, sovereignty, respect for the domestic jurisdiction of States and transparency enshrined in international law. The Executive Committee must do everything necessary to ensure that States Members of the United Nations were not the subject of non-objective statements or complaints. UNHCR must create an effective structure enabling the High Commissioner to perform his mandate in an appropriate legal framework and with complete transparency.

18. Mr. RAJ PAUDYAL (Nepal) was disappointed to hear the statement by the representative of Bhutan about the Bhutanese refugees living in camps in eastern Nepal. The time had come to move beyond mere pretensions and procrastinations and to fulfil obligations, since the origins and the causes behind the huge outflow of refugees from Bhutan were widely known. The international community and UNHCR were also not unaware of the reasons for the delay in their repatriation in safety and dignity. The Nepalese delegation therefore called on Bhutan to stop casting blame and to assume its responsibility by allowing its people to return home in safety and dignity.

19. Mr. ELING (European Commission) welcomed the Executive Committee's adoption of the general conclusion on children at risk, which strengthened the regime of international protection for children. It was to be hoped that the conclusion, which complemented the legislative provisions in force in the European Union on the protection of asylum seekers and refugee children, would be a valuable tool for the humanitarian workers active in the area of the protection of children. The European Commission was glad that the High Commissioner's dialogue would be devoted to the asylum-migration

nexus: in the context of the Mediterranean Challenge, the question of rescue at sea and maritime interception remained a thorny problem within the Union. Work being done on guidelines for FRONTEX operations at sea would ensure uniform application of the relevant provisions of international humanitarian law, international maritime law and the human rights instruments.

20. The dialogue on protection organized by the High Commissioner would allow a discussion, with other concerned institutions, of the vast legal issues involved in responsibility for protection. In that regard, he recalled the firm support of the European Union for increased cooperation between FRONTEX and UNHCR. He was convinced that the creation of a post of UNHCR liaison officer at FRONTEX headquarters would ensure that protection concerns were effectively taken into account in FRONTEX operations, while giving UNHCR an idea of the broader pattern of mixed migratory movements within the frontiers of Europe. The delegation of the European Commission hoped that the application by Europe of the Ten-Point Plan of Action could usefully be taken into account at the first meeting of the dialogue on protection. Lastly, he fully endorsed the statement made by the representative of France on the subject of the goals of the work being done on the second phase of the common European asylum regime.

21. Ms. OBEROI (Amnesty International), speaking on behalf of all the NGOs, referred to the increasing threat to the principle of non-refoulement. Yet that principle was a rule of international customary law that could not be broken, which was crucial in the context of mixed migratory flows. The NGOs were particularly concerned by the reliance placed by certain States on diplomatic assurances given by other States, on the basis of which they expelled refugees, asylum seekers and other persons liable to be subjected to ill-treatment or torture. The use of national security arguments to justify violations of the absolute prohibition of torture was equally disturbing. Amnesty International and the NGOs on whose behalf she was speaking looked forward to discussing those issues at the High Commissioner's dialogue on protection challenges and to defining with UNHCR the arrangements for their participation. The issue of detention was also one of increasing concern, since many countries used it as a regular facet of their asylum and migration policies and even as a means of penalizing asylum seekers for entering their territory illegally and of deterring more asylum-seekers. The NGOs urged States to recognize that the detention of children was undesirable and detrimental to their physicals and mental well-being and to refrain from such practices. They welcomed the inclusion of a reference to children in detention in the conclusion on children at risk and stressed the need to ensure that all refugee and asylum-seeking children had effective access to education.

22. The Agenda for Protection emphasized the need to integrate strategies for self-reliance and empowerment from the outset of refugee operations. The NGOs noted that *all* refugees, by virtue of their humanity, were entitled to respect for and protection of their basic rights, including the right to work, freedom of movement and an adequate standard of living, whether in the context of a self-reliance strategy or of a durable solution. The NGOs considered that the identification of durable solutions should, as far as possible, respect the individual choices of the refugees, including determination of the best interests of the child. It was crucial to ensure those persons' right to participate in

the choice of the best solution for them. Although they welcomed the efforts made to expand the use of resettlement as a durable solution, the NGOs noted that that solution would of necessity be available only to a minority of the world's refugees and that far too many of those in protracted situations were unable to access any durable solutions at all.

23. The NGOs noted that it was urgent to respond to the needs of de jure and de facto stateless individuals and to strengthen protection and assistance afforded to them, particularly in the field. To that end, a substantial and timely increase in the number of protection offices in the field, as well as additional staff in the statelessness unit at UNHCR headquarters, were essential. The NGOs invited UNHCR to conduct a comprehensive annual study on the scope of de jure and de facto statelessness worldwide, identifying the causes of that phenomenon and disseminating best practices to resolve it. They encouraged UNHCR and member States to implement the provisions of conclusion No. 106 of 2006 on statelessness. Other issues of concern required UNHCR attention, including the nexus between trafficking and refugee situations, refugee status determination based on sexual orientation and gender identity, and the protection of refugees and asylum seekers living with HIV/AIDS. UNHCR should also finalize its guidelines on the policy to be followed on urban refugees and publish them without delay.

24. Although in the past Executive Committee conclusions had provided authoritative guidance on specific aspects of protection, they could not alter the fundamental obligations deriving from refugee human rights law and humanitarian law, which were legally binding on States. The NGOs urged the Executive Committee to issue a conclusion in 2008 that addressed implementation of the rights associated with self-reliance and related principles of international responsibility sharing. They looked forward to enhanced participation in the drafting of conclusions and to contributing to evaluations of their effectiveness undertaken by UNHCR. They encouraged States to ensure that all conclusions were negotiated with a view to enhancing protection, rather than merely furthering national interests.

25. Ms. FELLER (Assistant High Commissioner for Protection) thanked the representative of the NGOs for her clear, frank and instructive statement and for the particularly pertinent recommendations made to UNHCR and member States. She was particularly pleased that the NGOs, like many other delegations, including France, had stressed the crucial need to respect the principle of non-refoulement. The views expressed justified the decision by UNHCR to draft provisions on the principle of non-refoulement, refoulement and border controls. She assured the NGOs that they would have an opportunity in the coming months to participate fully in the thinking and discussions of UNHCR on the subject. She noted with satisfaction that many delegations had high expectations of the consultations with UNHCR and was glad that all the questions deserving of discussion, including the asylum-migration nexus, would be discussed in a concerted manner.

26. She had listened with interest to the comments of the European Commission, particularly concerning cooperation with FRONTEX, and stressed that the question of the management of maritime borders had also been raised during the bilateral negotiations

which she had held with several non-European delegations. Governments would learn a great deal, in the context of FRONTEX, from sharing their experience in that area. She was pleased that the European Commission found the Executive Committee's thematic conclusion on the protection of children at risk to be so useful that it was considering incorporating it into its own work; that showed that the Executive Committee's conclusions on international protection were really helpful. She agreed with the representative of Nepal on the need for UNHCR to focus in its activities both on refugee protection and on the search for durable solutions. She emphasized that, in the case of long-standing crises, such as that affecting Nepal for the past 17 years, it was important for all stakeholders to sit down together to find a global solution based on return, voluntary repatriation, resettlement or local integration, where appropriate.

27. Like the representative of Uzbekistan, she believed that it was indeed necessary for UNHCR to have effective machinery enabling it to perform its mandate with complete transparency. In order for the situation of the approximately 1,300 Afghan refugees still in Uzbekistan – who had still numbered 2,000 in April 2006 – to be settled as rapidly as possible, she invited the Uzbek Government to envisage, in addition to the resettlements scheduled for the coming weeks, all other possible solutions. It had been mentioned in that connection that several of those refugees had married Uzbeks. In conclusion, she said that she very much appreciated the large-scale participation of States in the discussion on international protection held during the Executive Committee's fifty-eighth session, since that had not always been the case. That showed that the debate on the Note on International Protection and the questions which it raised had finally attracted attention. The positive comments about UNHCR made by delegations were also much appreciated.

28. Mr. MARTINEZ MARTINEZ (Mexico) explained that Mexico was fully prepared to work closely with UNHCR to reach an agreement on the question of the protection of refugees, in particular in the context of the management of mixed migratory flows. In that connection, he welcomed the discussions and information meetings already held on the Ten-Point Plan of Action but would like more details for the purpose of its practical application.

(b) Programme budgets, management, financial control and administrative oversight (A/AC.96/1047, A/AC.96/1036, A/AC.96/1039 and Add.1. A/AC.96/1041)

29. Mr. JOHNSTONE (United Nations Deputy High Commissioner for Refugees) said that for the first time in its history UNHCR was about to end the year with a balanced budget, amounting to \$1,042,900,000. It was also noteworthy that, for the first time, in 2007 operational costs had exceeded administrative staff costs, for the greater benefit of the refugees. The financial situation was therefore better than in previous years and UNHCR had almost reached its financing goal for the programme budget; however, Governments still had to confirm their commitment by paying the contributions that they had pledged (a total of \$73.9 million outstanding). There was a critical lack of funding for the 19 supplementary programme budgets (totalling \$413.8 million) which UNHCR currently managed and which, until the new budget preparation process was put in place, were not really part of the budget. The programmes for internally displaced persons and

Iraqi refugees and those being implemented in Darfur and southern Sudan were currently in jeopardy.

30. He commended the very thorough work done by the Board of Auditors to rationalize the operation of the Office of the High Commissioner. The three main areas in which UNHCR needed to improve its management methods concerned non-expendable property, unliquidated obligations and the financial accountability of its implementing partners. The NGOs did not at present have satisfactory auditing systems that would enable headquarters to preclude any risk of fraud or mismanagement on the part of its beneficiaries.

31. On the subject of reform, he was satisfied with the progress made in the process of outpostting a number of administrative functions from headquarters to Hungary. So far, the process was on schedule: staffing of the Budapest office had begun, the technical equipment was being successfully installed and everything was being done at the highest level at headquarters to ensure a smooth transition for the Geneva staff. Decentralization, regionalization and the field review were other important components of the reform, since they were designed to strengthen the role of headquarters in strategic management, so as to permit greater flexibility in the field to deal with operational realities, which were by definition in a state of flux. Notwithstanding the views of the NGOs, it was essential for UNHCR to maintain a direct link with the field, in contact with the refugees, so as to be able to appreciate their needs, their difficulties and their expectations and thus be able to perform its mandate properly.

32. The last central aspect of the reform concerned results-based management. For that purpose, a budget committee, which would be much more flexible than the previous structure, had been created to ensure that the distribution of funds was as responsive to change as possible. The Focus software made it possible for headquarters to track evaluation results, to better analyze the information transmitted by workers in the field and thus rapidly to notify donors, being in possession of all the facts. By combining certain administrative units, UNHCR was also trying to set up an effective, needs-based process of priority-setting between headquarters and its regional offices.

33. He stressed that, in order to perform its mandate honourably, make and justify its budget choices and respond realistically to the needs of the refugees, UNHCR had to measure precisely, in accordance with the Ten-Point Plan of Action, the real unmet needs of the populations under its care and reflect the consequences of that shortfall in a report geared particularly to donors. In Darfur, for example, the lack of funding would not merely mean the deletion of some budget items but would specifically result in the closing of centres for women or old people and the suspension of education programmes for children, which would have a dramatic effect on the lives of the people concerned.

34. Similarly, UNHCR had a duty to improve its internal processes, concerning for example recruitment, career planning and secondments, where there were still shortcomings. In addition, it was important for an organization such as UNHCR to understand what implications developments in the contemporary world might have for its activities in five or ten years' time and to be able already to initiate a dialogue on how to

mitigate potential crises. Lastly, the transition from resettlement to development was a sector in which UNHCR also fell short. It was true that development was not within its mandate, but UNHCR must be aware that it was the key to durable solutions and the essential requirement if resettled persons were not to revert to refugee status.

35. Ms. LESCELIUS (Finland), speaking also on behalf of Denmark, Norway and Sweden, said that, in order to ensure that internal reforms improved efficiency, it was crucial for the UNHCR results-based management framework to be accurate. The efforts to create that framework were encouraging but should be increased. Supplementary budgets were becoming increasingly important and the question of the integration of those budgets, which were not approved by the Executive Committee, into the annual programme budget had been under discussion for several years. The informal consultations on the new budget structure would be a good opportunity to tackle that question. The Nordic countries welcomed the introduction of the revised framework for resource allocation and management, which was an important aspect of the ongoing reforms.

36. Since estimated unmet needs for 2008 were about \$800 million, UNHCR programmes would inevitably fall short of the required international standards of protection and assistance. The Nordic countries welcomed the Deputy High Commissioner's promise to inform the Executive Committee of the consequences of the unmet needs and looked forward to continuous discussions within the Committee on how to improve prioritization with limited means. The Nordic countries, together with a few other donors, provided almost 80 per cent of the voluntary contributions to UNHCR and believed that they had a responsibility to oversee the use of those resources. Current and potential donors could and should do more, not least to assume their share of the burden shouldered by the many refugee-hosting States, which made an invaluable contribution to improving the plight of those persons.

37. The Nordic countries had noted the findings of the Board of Auditors and the United Nations Office of Internal Oversight Services (OIOS) regarding high-risk areas such as asset management, financial reporting and monitoring of implementing partners and staff in between assignments; they urged UNHCR to implement the recommendations made in those reports and to keep the Executive Committee informed about implementation. They commended UNHCR for increasing its emergency response capacity in order to respond to conflict-generated emergencies for up to 500,000 people by the end of 2007. Lastly, the Nordic countries attached great importance to gender parity issues and trusted that UNHCR would pursue its work on mainstreaming its strategy on age, gender and diversity into both management and operations.

38. Mr. KABWEGYERE (Uganda) said that a number of NGOs were sometimes associated in the execution of UNHCR programmes. For example, they numbered about 200 in northern Uganda and, without minimizing their essential role, one wondered whether that was the best use of all the available resources. In addition, NGOs that were used to working in a certain location helping displaced persons sometimes found it difficult to leave that "comfort zone" when they had to be convinced to pursue their activities in another location where it was planned to resettle the persons concerned.

39. Ms. RUIJTERS (Netherlands) thanked the Deputy High Commissioner for his stimulating comments, which would be studied very seriously by the Netherlands. Her delegation considered that the increasing attention paid to costs in UNHCR and the improvement of its treasury situation were signs of real progress. It also believed that UNHCR should continue its efforts to win over a broader public to its cause and to increase voluntary contributions at a time when human distress linked to displacements was growing in the world.

40. Ms. GAERTNER (United States of America) said that strong and responsible financial management bolstered donor confidence. She noted the continued shortfall in the UNHCR budget in 2007 and urged donors to support the work of UNHCR in the world by robust and predictable contributions. An outstanding question for the 2008 and 2009 budget concerned the amount of the supplementary programme budgets – information which donors needed to have as early as possible in order to be able to take funding decisions. The recent increase in the number of supplementary budgets was worrying; while those budgets might be necessary when immediate needs arose, in the long run they did not lead to sustainable or predictable donor support. In addition, sufficient resources should continue to be made available for the initiative on age, gender and diversity, which had already begun to be useful, and that important protection tool should become standard operating procedure in the field.

41. While it was aware that the budget must be realistic and “fundable”, her delegation continued to urge UNHCR to convey to donors a needs-based budget rather than a resource-based budget and to release a budget that was as close as possible to expected implementation rates. The concern of the Deputy High Commissioner to provide donors with regular information on what needs were not being covered was encouraging. In order to convince donors, UNHCR must detail the impact of funding cuts on programmes and show that it was moving towards a system of results-based management in which the beneficiaries’ needs were paramount and were prioritized as cuts were made.

42. In view of the continued emphasis on the need to strengthen partnerships, it was surprising that there continued to be a steady decline in the proportion of UNHCR budgets allocated to its implementing partners over recent years. Whenever possible, the organization should take into account and use implementing partners’ technical and operational expertise.

43. Mr. TABATABAEI (Islamic Republic of Iran) said that he had listened with great interest to the Deputy High Commissioner’s statement concerning the unmet needs of refugees and thanked him for his support for durable solutions for those persons, and particularly for the long-standing refugees, who accounted for 60 per cent of refugees and placed a heavy burden on the developing countries. He hoped that the discussions on that subject would continue at subsequent meetings.

44. Mr. ENAYET MOWLA (Bangladesh) expressed concern about the lack of funding for UNHCR, which prevented it from meeting the needs of some of the persons in its care. UNHCR was in an awkward position, since it was being asked to become more involved, but at the same time was supposed to be making cuts. He noted that the unmet

needs for 2008-2009 included an item such as the construction of new shelters for Myanmar refugees in Bangladesh. He wondered what criterion was used to determine which needs would not be met and which would be financed. The criterion must be incorrect, if such an elementary need as shelters for long-standing refugees was not considered a priority; perhaps the lack of flexibility experienced by UNHCR because most funds were pre-allocated was behind that type of problem.

45. Mr. ISMAIL (Pakistan) said that the chronic budget shortfalls faced by UNHCR were aggravating the sufferings of the refugees and the difficulties of the host countries in many regions of the world. His delegation supported the Deputy High Commissioner's appeal for adequate and guaranteed funding for the UNHCR programme and budget. It urged donors to provide more predictable financial assistance, particularly for host countries. In addition, the process of changing the UNHCR structure and management had staffing implications; the personnel policies to be followed should respect equitable geographical representation, particularly for candidates from developing countries, at all levels of decision-making.

46. Mr. JOHNSTONE (United Nations Deputy High Commissioner for Refugees), responding to the statements made, informed the representative of Finland that he would be pleased to continue the dialogue on how to improve results-based management and that he welcomed the strong support of the Nordic countries for that method of management. He explained that, when he had studied the proposed new budget structure, he had thought it logical to adopt the four-pillar formula; at the same time, some people in UNHCR had questioned the desirability of giving the Executive Committee control over the supplementary budgets, for which UNHCR had enjoyed considerable managerial autonomy. He had then realized to his surprise that a number of delegations had had concerns about the activities relating to displaced persons and that the Executive Committee had perhaps not wanted to assume responsibility for those questions. Consultations held with a number of delegations had reconciled the views and he was optimistic that an agreement would shortly be reached on the new budget structure. UNHCR had to consider expenditure as a whole. It would not be rational, for example, to consider separately regular expenditure in Iraq for 2007 and the supplementary funds which UNHCR had requested for that country in the form of supplementary budgets. He urged delegations to view the programmes as a whole, beyond the competence exercised by the Executive Committee over only the annual part of the budget. He entirely agreed with the delegation of Finland on the need to give more help to the States which were accepting a larger number of refugees, which were probably the ones doing the most for their protection.

47. The question of staff in between assignments, which involved numerous aspects of management such as human resources planning, performance evaluation and the United Nations staff rules, was extremely complex. He would be reporting on that question to the next session of the Executive Committee, but hoped that solutions would have been found in the mean time. On the subject of gender parity, he said that he was personally involved in that issue and headed the special gender parity team in UNHCR. The goal of the organization was full parity.

48. As the representative of Uganda had himself noted, NGOs played an essential role without which UNHCR would be unable to perform its mission. He was concerned about the figures indicating that spending on partner NGOs had been declining for several years and intended to study the problem. A qualitative and quantitative evaluation of relations with NGOs would be desirable in order to consolidate those relationships, but also to correct the existing number of partner NGOs, which was perhaps too large.

49. In 2007, the UNHCR treasury situation had been good, since contributions had been paid on time. He agreed, however, that the organization needed more cash; that would require reducing some of the pre-allocated expenditure. UNHCR would no doubt be able to serve the refugees more effectively if it were less dependent on resources for which the use was determined in advance. In his view, however, the crux of the problem was the definition of effective criteria to determine where funds should be used as a priority, which was still by no means happening. While it was true, as the representative of Bangladesh had stressed, that basic needs must be met, UNHCR also had to concern itself with people's future, by investing in education for example. The problem of unmet needs also highlighted the fact that, as regards its fund-raising ability, UNHCR could not rest on its laurels. The level of funding had remained roughly the same from 1991 to 2006 and the slight increase in 2007 had mostly come from the supplementary programme budgets. In addition to the fact that UNHCR could be more effective in seeking funding, it had probably not sufficiently emphasized the problem of unmet needs to convince Governments to do better.

The meeting rose at 1.10 p.m.
