



Refugee Council
of Australia

REPORT ON 61st SESSION OF THE UNHCR EXECUTIVE COMMITTEE

4-8 October 2010, Geneva, Switzerland

OVERALL ATTENDANCE

A total of 76 members of the Executive Committee were represented at the 61st session of ExCom, including one new member (Slovenia). A further 49 states were present as observers. A total of 31 NGOs attended as observers. Delegates from a range of intergovernmental and other UN bodies were also present.

THE AUSTRALIAN DELEGATION

The Australian delegation was headed by Peter Hughes, Deputy Secretary of DIAC. The other Government delegates were:

- Simon Duke, Director of UN and International Organisations Section, DIAC;
- John Matthews, Minister Counsellor (Immigration), Australian Permanent Mission to the UN Office in Geneva;
- Neil McFarlane, Counsellor (Development), Australian Permanent Mission to the UN Office in Geneva;
- Frederick Minson, Assistant Director of UN and International Organisations Section, DIAC;
- Phoebe Ling, Executive Officer (Immigration), Australian Permanent Mission to the UN Office in Geneva; and
- Leonie Oates-Mercier, Humanitarian Policy Officer, Australian Permanent Mission to the UN Office in Geneva.

The NGO representatives on the government delegation were:

- John Gibson, President, Refugee Council of Australia;
- Carmel Guerra, CEO, Centre for Multicultural Youth; and
- James Thomson, Director of Policy and Advocacy, Act for Peace (NCCA).

Other Australian NGO representatives who attended as observers were:

- Dr Linda Bartolomei, Deputy Director, Centre for Refugee Research, University of New South Wales; and
- Lucy Morgan, Information and Policy Officer, Refugee Council of Australia.

OPENING OF THE SESSION

Video message from UN Secretary General Ban Ki-moon

Available at <http://www.unhcr.org/pages/4c80bf266.html>

The Secretary General noted that the challenge of providing protection to forcibly displaced persons, refugees and stateless persons requires adaptation to the changing nature of displacement and renewed and strengthened partnerships. He stated that the upcoming commemorations present an opportunity to broaden support for the principles of international

refugee and human rights law.

Opening Statement by Mr Antonio Guterres, United Nations High Commissioner for Refugees

Full text available at <http://www.unhcr.org/4ca995299.html>

Opening remarks

High Commissioner Guterres opened the 61st session of ExCom by noting the significant anniversaries occurring in the coming year: the 60th anniversary of UNHCR, the 60th anniversary of the 1951 Convention Relating to the Status of Refugees, the 50th anniversary of the 1961 Convention on the Reduction of Statelessness, and 150 years since the birth of the first High Commissioner for Refugees, Fridtjof Nansen.

The increasing resilience of conflict and its implications for UNHCR

The High Commissioner reported that the previous year was the worst in two decades for the voluntary repatriation of refugees, due to the ***changing nature and growing intractability of conflict*** which make achieving and sustaining peace more difficult. He noted that refugees' participation in peace negotiations is an essential component of their success.

Ongoing conflicts have also resulted in the ***shrinking of humanitarian space*** with consequent implications for the security of humanitarian staff. The High Commissioner called for the preservation of the autonomy of humanitarian space and respect for the principles of independence, impartiality and neutrality.

In addition, the High Commissioner noted that the intractability of conflict has given rise to ***“quasi-permanent, global refugee populations”***. He drew specific attention to two of these populations:

- ***Afghan refugees***, primarily residing in Pakistan and Iran. The High Commissioner drew particular attention to the plight of Afghan minors seeking asylum in Europe, noting the extreme risks to which they are exposed. Where minors' asylum claims are unsuccessful, he urged states to ensure appropriate safeguards are in place before the return of minors to Afghanistan is considered.
- ***Somali refugees***, primarily residing in Kenya and Yemen with increasing numbers in Ethiopia and Djibouti. The High Commissioner asserted “I do not believe there is any group of refugees as systematically undesired, stigmatised and discriminated against as Somalis.” He went on to note the extreme hardships faced by Somalis in their search for protection, stating that “it is difficult to paint a picture more dire than that of the Somali refugee.” In light of the limited prospects for peace and stability in Somalia at present, he appealed to states to provide protection to Somali refugees.

Protection and durable solutions

The High Commissioner noted that over half of the refugees for whom UNHCR is responsible live in ***protracted situations***. The burden of hosting these refugee populations is borne disproportionately by the countries in developing world which, particularly in light of the impacts of the global financial crisis, are under increasing strain. He noted that there is a need for better understanding and recognition by the international community of the efforts of host countries and reported that UNHCR's Policy Development and Evaluation Service will be commissioning an independent study to measure the economic and social impact of hosting refugees. In the meantime, the High Commissioner called for increased international solidarity

and burden-sharing.

The High Commissioner described **resettlement** as “a tangible and effective example of burden-sharing” and welcomed the establishment of new resettlement programs in 12 countries, bringing the total number of resettlement states to 24. However, he noted that a huge gap remains between resettlement needs and resettlement capacity. The number of resettlement places available meets only around 10% of the total need for resettlement, with the result that less than 1% of the total number of refugees in the world are resettled. The High Commissioner appealed to states to establish or expand their resettlement programs.

The High Commissioner also noted that **voluntary repatriation and local integration remain** vital durable solutions for refugees. He noted the need to devote increased attention to education and self-reliance initiatives for refugees in camp settings.

The High Commissioner welcomed efforts undertaken by a number of states to **reduce the risk of statelessness**, including legislative reform and the establishment of birth registration systems. He noted that the inability of women to pass their citizenship onto their children in many states is a key contributing factor to statelessness. He announced that UNHCR is organising a major effort in 2011 to advocate for legislative reforms so that mothers and fathers are equally able to pass their citizenship on to their children and the called on all states to support this initiative.

Internally displaced persons

The High Commissioner welcomed the **Convention on the Protection and Assistance to Internally Displaced Persons in Africa** and encouraged ratification of this instrument.

The High Commissioner reported that UNHCR has assumed responsibility for leading the response to **conflict-induced internal displacement** in the areas of protection, shelter and camp management. For **people displaced internally by natural disasters**, UNHCR has assumed leadership for the protection cluster at the global level. He noted, however, that a gap remains at the country level, one which he believes should be filled by UNHCR. The High Commissioner acknowledged the concerns of some states in relation to UNHCR’s capacity to take on this role without undermining mandate operations. He assured states that UNHCR’s involvement in natural disaster relief operations would take place only with the clear consent of the state concerned and in close consultation with the Government and relevant partner agencies, and that resources to support these operations would not come at the expense of UNHCR programmes for refugees or stateless persons.

UNHCR internal reform process

The High Commissioner reported on progress with UNHCR’s internal reform process, including increased efficiency in staffing, the planned establishment of a fully Independent Advisory and Audit Committee and the transition to a needs-based budget. He emphasised the importance of funding the new budget and reported that UNHCR is reinforcing its efforts to attract new donors, particularly from the private sector.

Future priorities

The High Commissioner announced that in 2010 and beyond, priorities in the development of UNHCR capacity will focus on protection and emergency preparedness and response. UNHCR will also be enhancing efforts to reach out to urban refugee populations. He acknowledged the importance of partnerships, particularly with national partners, in UNHCR’s work. He reported

that UNHCR is also developing a new set of partnerships with the corporate sector.

Concluding remarks

In concluding, the High Commissioner returned to the upcoming anniversaries of the 1951 Refugee Convention, the 1961 Statelessness Convention and the birth of Fridtjof Nansen. Commemorative activities will be taking place throughout 2011, culminating in a Ministerial level meeting of States Parties to the Refugee and Statelessness Conventions in Geneva in December 2011. He expressed hope that states will be able to “pledge concrete actions to reinforce international protection, provide durable solutions, resolve refugee situations, and to define forward-looking orientations to new challenges.”

GENERAL DEBATE

Key themes

The most commonly-raised issues and concerns throughout the debate included:

- the need to secure durable solutions for refugees in ***protracted situations***;
- the challenges presented by ***mixed migration flows*** and ***urban refugee populations***;
- the need to address the issue of ***statelessness***, with birth registration initiatives highlighted as being particularly important to this endeavour;
- the increasingly dangerous operating environments faced by humanitarian workers and the ***shrinking of humanitarian space*** in many regions throughout the world;
- the need for ***international solidarity*** and cooperation to ***support countries of first asylum*** in providing effective protection for refugees and asylum seekers;
- the importance of coordination and effective ***partnerships*** between agencies working in the area of refugee protection; and
- the new ***role of UNHCR in natural disaster relief operations***, with a number of states expressing concerns about the agency’s capacity to fulfil this new role without detracting from its core mandate operations.

Legislative and policy reforms

A number of states announced legislative and/or policy reforms aimed at improving protection for refugees and stateless persons. Armenia, Chile, Colombia and Kenya have all introduced or amended their refugee and asylum legislation to enhance protection standards. Spain has also introduced new asylum legislation which includes provisions on sexual orientation, gender identity and gender-based violence and discrimination. Spain encouraged other states to include such clauses in their own asylum legislation to enhance protection for groups which are not specifically covered by Refugee Convention.

In relation to the prevention of statelessness, Thailand has implemented a birth registration initiative for children born of displaced persons in Thailand and Lesotho is reviewing legislation to enable mothers to pass on their citizenship to their children on an equal basis with fathers.

Regional protection

Regional systems of protection for refugees, asylum seekers and displaced persons were a key theme of the General Debate. Initiatives highlighted during the debate included:

- The development of ***common European asylum system***, based on the principles of solidarity and responsibility-sharing, which will establish equal access to protection rights, harmonise asylum procedures across the region and resolve disparities in

decision making. The system is expected to be in place by 2012. Initiatives implemented to date include the emergency transit centre established in Romania last year, and transit support provided by Slovakia.

- The ***African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*** (also known as the Kampala Convention, available at <http://www.unhcr.org/4ae9bede9.html>), which was adopted in October 2009. The Convention establishes a legal framework for preventing internal displacement and protecting and assisting internally displaced persons in Africa, outlining obligations and responsibilities of states, armed groups, non-state actors and civil society.
- The ***Economic Community of West African States (ECOWAS) Protocol Relating to Free Movement of Persons, Residence and Establishment***, which facilitates freedom of movement across ECOWAS member states. High Commissioner Guterres noted that the protocol has made an important contribution towards achieving lasting solutions for refugees in the region.
- The ***Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America*** (available at <http://www.unhcr.org/refworld/publisher,AMERICAS,,424bf6914,0.html>), adopted in November 2004. The Plan of Action proposes a range of measures to strengthen refugee protection in Latin America, including research, training and capacity-building initiatives for state officials and members of civil society; a programme for self-sufficiency and local integration targeting urban refugees; and an regional resettlement program under which any Latin American country can resettle refugees who are in other Latin American countries. In his response to the statement by the Group of Latin America and Caribbean Countries (GRULAC), High Commissioner Guterres commented that the best initiatives for protecting refugees are to be found in Latin America.

Australia's General Statement

Australia's General Statement to the 61st session of ExCom was delivered by Peter Hughes, Deputy Secretary of DIAC. In the statement, Australia:

- Commended UNHCR's efforts as lead of protection cluster in the aftermath of the floods in Pakistan and urged ExCom member states to work towards consensus on ***UNHCR's protection role in natural disasters***.
- Welcomed UNHCR's renewed focus on ***statelessness*** and encouraged states to accede to, and bring national legislation in line with, the 1954 and 1961 Statelessness Conventions.
- Noted the specific ***challenges of refugee protection in the Asia-Pacific***, namely mixed migration flows and inconsistencies in approaches to reception and durable solutions, which create an environment in which the people smuggling trade flourishes.
- Expressed a commitment to working with states, UNHCR and other international organisations to develop a ***regional protection framework*** in the Asia-Pacific and called on UNHCR to be at the forefront of this process.
- Noted that protection challenges in the Asia-Pacific are compounded by the region's hosting of several ***protracted refugee situations*** and outlined the practical steps taken by Australia to resolve these situations, including resettlement.
- Called on the government of ***Bhutan*** to facilitate voluntary returns to Bhutan of refugees, particularly those with compelling needs such as the elderly and children.
- Highlighted the protection challenges presented by ***urban refugees*** and noted the importance of partnerships to strengthening refugee protection in urban areas.
- Urged UNHCR to carefully manage and work to fill the ***funding gap*** highlighted by Global Needs Assessment and announced that Australia will ***increase its core contribution to***

UNHCR next year and will continue to make significant additional allocations to UNHCR operations and appeals as they arise.

In responding to Australia's statement, the High Commissioner thanked Australia for its support of UNHCR, particularly its leadership of ExCom over the past year, and expressed his "appreciation for the role that civil society plays in Australia, both in protection and in support of the reintegration programs for resettled refugees, with some remarkable success."

During the General Debate, both Bhutan and Liberia thanked Australia (among others) for assisting their citizens through resettlement.

NGO Statement on General Debate

Full text available at <http://www.unhcr.org/4caed6aa9.html>

The NGO Statement on the ExCom General Debate highlighted a wide range of issues affecting persons of concern and humanitarian workers and urged UNHCR and states to take action to resolve these issues. In the statement, NGOs:

- Highlighted the **protection challenges** presented by the closing of borders, the curtailing of asylum systems, the rise of anti-foreigner sentiment and the failure of states to meet the needs of IDPs and stateless persons.
- Called on states to examine their failure to deploy all tools at their disposal in **response to the Pakistan floods**.
- Expressed concern about the **limited impact of UNHCR's reforms to humanitarian response**, especially with regards to the cluster approach, and called on UN humanitarian agencies and actors to re-examine the reform process so as to ensure that real improvements are being made.
- Expressed concern about the ongoing **failure to establish clear protection leadership responsibilities during natural disasters**; noted that UNHCR's capacity to take on a leadership role in such situations is restricted by limited resources; and called on member states to provide necessary resources for UNHCR or another suitable agency to fulfil such a leadership role.
- Expressed alarm at the **growing hostility towards NGOs and the shrinking of humanitarian space**, drawing particular attention to the situations in **Darfur, Somalia and Yemen**; called on governments and other relevant actors to reaffirm their respect for international humanitarian law and for the independence and impartiality of the work of NGOs; and welcomed the efforts of the High Commissioner to maintain an independent approach with regards to humanitarian action.
- Drew attention to the use of **rape as a weapon of war** in the DRC and expressed outrage at UN Peacekeepers' failure to respond to reports of mass rapes in North and South Kivu.
- Noted that **gaps in protection of, and assistance to, IDPs** remain the norm, rather than the exception; called on states with IDP populations to implement laws and other normative frameworks that aim to protect IDPs; and urged UNHCR to continue to develop its mandate relating to IDP issues.
- Welcomed UNHCR's progress in developing policy and guidance in the area of **gender-based violence** and noted that a specific priority area in the prevention of gender-based violence is ensuring safe access to cooking fuel.
- Called on ExCom to consider putting the issue of **preventing sexual exploitation and abuse by workers in the field** on its agenda for 2011.
- Called on states and UNHCR to examine how **compliance with the 1951 Refugee**

Convention can better be ensured and called on states who have not yet done so to sign and **ratify the 1961 Statelessness Convention**

In response to the NGO Statement, the High Commissioner noted that the constant interaction and flow of communication between civil society, governments and international organisations is crucial for democracy. He thanked NGOs for their comments relating to the shrinking of humanitarian space and noted that he shares the concerns of NGOs on this issue

INTERNATIONAL PROTECTION

Statement on International Protection by Ms Erika Feller, Assistant High Commissioner for Refugees

Full text available at <http://www.unhcr.org/4cac7f2f9.html>

Progress and setbacks

The Assistant High Commissioner opened her statement by highlighting several areas in which significant progress has been made, including:

- The **Agenda for Protection**, which has given direction to the efforts both of UNHCR and of states to bridge important protection gaps, enabled risk factors to be more easily identified and facilitated the implementation of accountability mechanisms for their redress. She noted that the impact has been particularly significant for women and children.
- Positive examples of **solutions to long-standing refugee situations**, such as the closure of IDP camps in Northern Uganda and the return home of close to 1.7 million IDPs; and the closure of long-standing refugee camps in Zambia.
- Increases in the number of **resettlement** places and the provision in asylum in industrialised countries which have served as important durable solutions.

Setbacks highlighted by the Assistant High Commissioner included:

- Incidents of **refoulement** in a number of regions of the world, including in Europe, Asia and the Middle East.
- The ongoing prevalence of **statelessness**, with an estimated that 12 million stateless people around the world, while ratification of the statelessness conventions remains low.
- **Kidnappings and violence** directed at migrants, including asylum seekers.
- The purposeful **decline of some asylum systems**.
- The growing protection challenge of **urban refugees** and asylum-seekers.
- Insufficient prioritisation of the **protection needs of children**, with many asylum systems failing to take into account their special circumstances.
- Provision of **education** to refugees, which is often characterised by overcrowded, undersupplied classrooms, a lack of funding to support participation and insufficient places available to meet demand.
- **Detention** of asylum seekers, which can be over-long, the conditions unjustifiably harsh and the possibilities for legal oversight or review very limited.

Current issues

Rule of law: The key theme of the Assistant High Commissioner's address was the rule of law. She emphasised the need for sustained efforts to develop functioning national protection structures, including through effective and accountable public justice systems. She also

highlighted the need to address impunity, particularly in cases of sexual and gender-based violence.

State responsibility for protection: the Assistant High Commissioner noted that while UNHCR can capacitate, it is never an effective substitute for states' primary responsibilities for protection. She also noted, however, that some states remain reluctant to take on this responsibility. While acknowledging that this reluctance may stem from a lack of capacity, the Assistant High Commissioner noted with concern that UNHCR continues to assume a disproportionate share of the responsibility for protection, particularly in relation to refugee status determination– even in states which are signatories to the Refugee Convention.

Cluster approach: the Assistant High Commissioner noted some of the shortcomings of the cluster approach, notably the slow progress on the integration of participatory approaches to programming and its international focus which hampers engagement with local actors and does not always encourage the necessary government buy-in and ownership

Security: the Assistant High Commissioner acknowledged state concerns about the misuse of protection processes and agreed that the issue of how UNHCR and States can better respond to security imperatives whilst ensuring the integrity of the international protection regime continues to merit the attention of ExCom. However, she impressed upon states that criminalising the search for asylum is not the answer, noting that quality systems should be able to make the necessary distinctions.

UNHCR Guidelines: the Assistant High Commissioner reported that UNHCR recently organised a Roundtable intended to promote better understanding of the protection needs of people fleeing persecution due to their sexual orientation or gender identity, and that UNHCR guidelines and policies will be revised to incorporate this information. She acknowledged that there have been some issues with the currency, timeliness and generality of some UNHCR eligibility guidelines and announced that UNHCR is reviewing its process for developing these guidelines.

Irregular secondary movement: the Assistant High Commissioner noted that arrivals of undocumented migrants, a challenge which has been exacerbated in recent years by boat arrivals, continue to test the capacity of states. She expressed concern about the often harsh treatment of asylum seekers who arrive by boat, noting that this treatment is not only at odds with protection principles but also with the reality that a large percentage of boat arrivals are found to be refugees. She also noted with regret the under-reportage in the media of the realities of the refugee situation. The Assistant High Commissioner asserted that approaches which focus on closing borders are ineffective in stopping boat arrivals, as such approaches, rather than stopping irregular movement, merely change (and often complicate) the dynamics of irregular movement.

Burden sharing and regional protection: the Assistant High Commissioner noted that the majority of refugees continue to reside in countries which lack the resources to meet their needs, which necessitates a more equitable sharing of international responsibility for protection. She proposed that one path to better burden-sharing could be some regionalisation of protection arrangements. She highlighted initiatives in Africa which aim to build refugee protection into protocols or agreements intended to promote freedom of movement. The Assistant High Commissioner also noted that collaboratively run centres that undertake tasks like refugee status determination support or resettlement on behalf of several states are currently under review in several regions and that UNHCR supports such centres so long as they work as a complement to, not as a substitute for, national asylum systems, and are fully embedded in more comprehensive arrangements.

Emerging challenges: the Assistant High Commissioner acknowledged that the 1951 Refugee Convention, while it has enduring relevance and remains the cornerstone of refugee protection, does not hold all the answers for modern displacement situations. She noted that there is a high probability that patterns of displacement will be increasingly impacted by environmental factors and that the legal situation concerning externally displaced natural disaster victims and populations whose states physically are engulfed and disappear remains uncertain.

Conclusion

The Assistant High Commissioner concluded her statement with a message from a colleague working in the IDP camps in northern Uganda, which detailed the dramatic and positive transformation of the region following the closure of the camps and the voluntary repatriation of more than a million people.

Update on Age, Gender and Diversity Mainstreaming (AGDM) by Mr Volker Turk, Director of the Division of International Protection, UNHCR

The Director reported that while progress has been made in some areas, more work is needed in others. UNHCR has conducted extensive in-house consultations on AGDM and identified an action plan that takes the strategy further forward. UNHCR's aim is for the AGDM lens to become second nature for all UNHCR staff.

In the next few years, UNHCR will be aiming to make significant progress in three key areas:

- 1) Ensuring that AGDM becomes part of the full operations management cycle, not just the planning phase.
- 2) Giving more substance to diversity, for instance through the ExCom Conclusion on disability, and by examining the needs of other groups such as indigenous peoples.
- 3) Making appropriate responses to harmful traditional practices.

State interventions

State interventions focused on similar issues to the general debate, including mixed migration flows, urban refugees, statelessness, protracted refugee situations and the shrinking of humanitarian space. Sexual and gender based violence was also raised as an issue of concern.

There was considerable debate over UNHCR's stated intention to incorporate the ***protection needs of people fleeing persecution due to their sexual orientation or gender identity*** into its policies and guidelines. The move was welcomed and supported by some states (Norway and the USA) but opposed by others (Egypt, Russian Federation and the Africa Group). The latter states asserted that any new interpretation of the Refugee Convention's provisions must be based on the consent of states. Egypt declared its intention to withdraw from the Refugee Convention should UNHCR direct states parties to interpret the Convention's provisions as being inclusive of persons fleeing persecution based on their sexual orientation or gender identity.

In response to these concerns, the Assistant High Commissioner noted that refugee law not a static body of law, but evolves to take into account modern circumstances. She stated that it is part of UNHCR's mandate and responsibilities to promote a progressive approach to interpreting the Refugee Convention and greater consistency in interpretation. She acknowledged that there will always be divergent views and debate about any international instrument and that this is a healthy debate in which UNHCR is happy to engage.

Australia's statement

Australia's statement to the 61st session of ExCom on international protection was delivered by Peter Hughes, Deputy Secretary of DIAC. In the statement, Australia:

- Expressed concern that the number of refugees and displaced people worldwide remains at **record high levels**.
- Expressed strong support for UNHCR's efforts to **protect persons of concern from violence, abuse and exploitation**, drawing particular attention **sexual and gender based violence**; and expressed ongoing support for UNHCR's efforts to protect and assist survivors of sexual and gender based violence through continuing to offer a guaranteed percentage of resettlement places for vulnerable refugee women under Australia's "Woman at Risk" program.
- Recognised the **nexus between protection and education** of children in situations of displacement and urged states which host refugees to facilitate access to education.
- Expressed support for UNHCR's efforts to improve **fairness and accountability in refugee status determination** procedures.
- Noted the specific challenges of **refugee protection in the Asia-Pacific**, namely protracted refugee situations, mixed migration flows, irregular movement and inconsistencies in protection standards and access to solutions across the region.
- Reiterated a commitment to working with states, UNHCR and other key stakeholders to develop a **regional protection framework** in the Asia-Pacific and called on UNHCR to be at the forefront of these efforts.
- Highlighted the **Bali Process** and the **ASEAN Intergovernmental Commission on Human Rights** as being key to the advancement of regional protection efforts.
- Highlighted the importance of **resettlement** as a durable solution; congratulated UNHCR on the creation of its Resettlement Service; called on other states to develop resettlement programs, offering Australia's support to new resettlement countries; and welcomed innovative approaches to resettlement such as the use of core or contact groups to address protracted refugee situations.
- Welcomed ExCom's **Conclusion on refugees and other persons with disabilities** protected and assisted by UNHCR and urged its implementation by states and UNHCR alike.

In response to Australia's statement, the Assistant High Commissioner welcomed the "Woman at Risk" program as a positive initiative. She expressed UNHCR's readiness to examine further the issue of regional protection measures in the Asia-Pacific, but cautioned that such measures can serve only as a complement to, not a substitute for, national protection measures. The Assistant High Commissioner also thanked Australian civil society for its support in developing the Heightened Risk Identification Tool.

NGO Statement on International Protection

Full text available at <http://www.unhcr.org/4caed7129.html>

The NGO Statement on International Protection focused primarily on a number of particularly urgent country-specific protection concerns, representing what NGOs believed to be the most serious examples of Member States' failures to protect the rights of persons of concern. These included:

- The deportation of **Rwandan** asylum seekers and refugees as part of a tripartite agreement with **Burundi and Uganda**.

- The coerced return of Congolese IDPs in the **DRC** to situations of insecurity.
- The abuse of Somali refugees and asylum seekers in **Kenya**.
- The ending of **South Africa's** "special dispensation" policy for Zimbabweans which places the latter at risk of deportation; and South Africa's threats to deport Somali asylum seekers.
- The need for contingency plans for possible renewed displacement resulting from the upcoming referendum in **Sudan**; and the situation of long-staying Eritrean refugees in Sudan who have yet to be granted permanent residency or naturalisation.
- **Bangladesh's** targeting of stateless Rohingya people from Myanmar who have not been permitted to register with the authorities or to lodge asylum claims.
- The closing of both the Kyrgyz and Uzbek borders following the outbreak of violence in southern **Kyrgyzstan**, which has prevented Kyrgyz asylum seekers from fleeing their country; and the need for additional funding to support humanitarian and relief efforts in Kyrgyzstan.
- The situation of IDPs in **Sri Lanka**, particularly those recently returning home, and the restriction by Sri Lankan authorities of humanitarian access to return areas.
- The precarious situation and risk of deportation faced by refugees in Thailand.
- The abolition of **Greece's** appeals mechanism for failed asylum seekers.
- The **European Union's** failure to develop a harmonised European asylum system that equitably establishes Member State responsibility for examining asylum claims.
- The continuing engagement of **Italy** in joint naval operations with Libya to interdict boat migrants and to return them summarily to Libya, where refugees and asylum seekers do not have access to effective protection.
- The shooting by Egyptian authorities of civilians attempting to cross into Israel (some of whom appear to have been seeking asylum) and the arbitrary arrest, detention and deportation of refugees and asylum seekers in **Egypt**.
- **Lebanon's** practice of arresting and sentencing asylum seekers and refugees for illegal entry or presence and using the threat of indefinite detention to coerce them into repatriation.
- **Libya's** recent treatment of foreigners in its territory who may be asylum seekers but who do not have access to refugee determination procedures and therefore face unlimited detention in inhumane conditions, prison guard violence, and threats of deportation, with particular attention drawn to over one thousand Eritreans currently detained.
- **Yemen's** treatment of asylum seekers from parts of Africa other than Somalia, particularly to the tens of thousands of Ethiopians who the government views as illegal migrants to be automatically deported.

Due to time limitations, the remainder of the NGO statement was not delivered at the meeting. However, the full statement also highlighted several general protection challenges. In this section of the statement, NGOs:

- Welcomed the ExCom **Conclusion on refugees with disabilities** and called on UNHCR, together with other stakeholders to develop practical guidelines, policies, and operating standards for UNHCR staff and its partners to help implement the Conclusion.
- Noted with concern the **approach of some states in the Conclusions negotiations process** to introduce standards that **dilute states' commitments** to providing effective protection, and called on Member States to be guided by humanitarian considerations, instead of political ones, when negotiating new Conclusions.
- Welcomed UNHCR's recent efforts on **immigration detention**, which have focused on **alternatives to the detention** of refugees and asylum seekers; welcomed the increasing engagement of states on this issue, including the development of alternatives in some

states; but also noted with concern the ongoing detention of asylum seekers in some countries and encouraged ongoing work on this issue.

- Expressed concern at the **low rate of ratification of the 1961 Statelessness Convention** and the inadequacy of funding available to UNHCR to address statelessness; drew attention to the issue of **birth registration** amongst refugee populations as a major cause of statelessness and urged UNCHR to dedicate additional resources to address this issue; and encouraged the High Commissioner to undertake a **regional visit** focused on statelessness to underline UNHCR's commitment to its statelessness mandate, raise awareness of the issue and attract more donor funding.
- Encouraged UNHCR to work more diligently with host states to ensure that the rights of **urban refugees** are respected, particularly in relation to identity documentation and access to education and employment.

In response to the NGO Statement, the Assistant High Commissioner expressed her appreciation for the role of NGOs in UNCHR's work and their strong support in many protection activities. She noted that there have also been positive developments in refugee protection over the past year and the statement could have been more representative had it also taken these into account. Several states (notably Yemen, Greece and Rwanda) challenged some of the claims made in the NGO Statement.

PROGRAMME BUDGETS, MANAGEMENT, FINANCIAL CONTROL AND ADMINISTRATIVE OVERSIGHT

Statement of the Inspector General, Mr Arnauld Akodjenou

Full text available at <http://www.unhcr.org/4cadd0d86.html>

The Inspector General reported on some of the positive impacts of his Office's work, including an increase in field visits to strengthen dialogue with, and accountability to, persons of concern; an increase in the establishment of mechanisms for recording and tracking protection incidents; the development of more complete Standard Operating Procedures to reduce irregularities in the areas of refugee status determination, resettlement and sexual and gender based violence; and the development of a guide on Good Practices and Recurrent Findings which aims to contribute to improvements in UNHCR operations.

Areas in need of improvement highlighted by the Inspector General included the need to ensure alternative and creative means of access in situations where security concerns hinder UNHCR access to persons of concern and the need to monitor and provide support to implementing partners. The key challenge faced by the Inspector General's Office is one of capacity. Currently, five professional staff and two support staff are required to assess and respond to approximately 1 000 complaints per year and ensure that 100 new cases are investigated each year. Moreover, some cases – such as those involving workplace harassment or abuse of authority – are time consuming and complex.

Statement by Mr Jeff Crisp, Head, Policy Development and Evaluation Service (PDES)

Full text available at <http://www.unhcr.org/4ac3527a9.html>

Mr Crisp reported that PDES has made particular progress in evaluating UNHCR's operational role in relation to a number of key issues, including mixed migration flows, protracted refugee situations, refugee protection and solutions in urban areas, refugee education and return and reintegration of IDPs. Currently, PDES is contributing to the policy development process on several global issues, including: the role of UNHCR in natural disasters; the Protection of

Civilians concept and its relationship to the UNHCR mandate; the role of refugees and UNHCR in country of origin elections and other peacebuilding processes; UNHCR's response to border closures in mass influx situations; and the role of migration and mobility in the search for durable solutions to refugee situations.

Mr Crisp reported that PDES is currently formulating a new work programme and invited ExCom members to make specific proposals for new policy development and evaluation projects. Some of the projects currently in development include: a review of the protection problems that UNHCR has encountered in recent natural disasters; an examination of UNHCR's experience of working in insecure environments and with non-state actors; a joint evaluation with the World Food Programme of the impact of food distribution in protracted refugee situations; a review of recent efforts to bridge the gap between humanitarian assistance and development aid; and an independent study of the costs incurred by states that are hosting large refugee populations.

UNHCR Revised Biennial Programme Budget (2010-11)

The 2010-11 Budget is the first to be based on the Global Needs Assessment (GNA) and stands at \$3.3 billion. The current funding gap stands at \$1.3 billion. UNHCR has worked to prioritise its activities within available funds, but the bottom line is that "some of the basic needs of millions of people around the world are not being met and their rights not respected." Several examples were provided of what this means in practical terms: 35 000 refugees in Chad will not receive basic identity documents; 10 000 displaced children in Colombia will not attend school; and 1 000 urban refugee families in Yemen will not receive financial assistance. UNHCR's intention is to fully fund the GNA in the near future, ensuring that the funding gap becomes smaller each year.

Major elements of the proposed revisions to the 2010-11 budget include:

- The mainstreaming of several supplementary budgets to address issues in Somalia, the DRC, Yemen and Pakistan.
- Additional provisions to enhance UNHCR's emergency response preparedness.
- Additional provisions to improve staff security
- Additional provisions for special programmes aimed at maintaining life-saving standards in the areas of water, health, sanitation and nutrition.
- Additional provisions to address protracted refugee situations.

It was also announced that UNHCR will be establishing a new Independent Advisory and Audit Committee, a move which was welcomed by states.

REVIEW OF THE ANNUAL CONSULTATIONS WITH NGOS

Statement from Mr Misikir Tilahun, Rapporteur for the Annual Consultations with NGOs

Full text available at <http://www.unhcr.org/4caed7509.html>

The NGO Consultations offered three concrete recommendations to UNHCR:

- 1) International and intergovernmental organisations should review and simplify their policies, procedures and structures to ensure that they are responsive to the needs of their national partners.
- 2) National and international organisations should recognise and benefit from their complementary strengths and comparative advantages. This should include devolution of decision-making power to national actors; and an increased commitment from national actors to managing risks, ensuring accountability and increasing efficiency.

- 3) Donors should review their policies and procedures to ensure that they do not place an undue burden on national partners. In addition, the donor community should establish a special fund for local NGO capacity development.

Key themes of the consultations included:

- The importance of partnerships to effective protection and service delivery.
- The prevention of sexual exploitation and abuse by humanitarian workers, with NGOs calling upon UNHCR to provide leadership on the issue.
- The need for increased international action to protect stateless persons.
- The common challenges presented by the access to territories, the absence of asylum systems, prospects for local integration, the shrinking of humanitarian space and limited resources.
- The willingness of NGOs to work jointly with UNHCR to commemorate the anniversaries of the 1951 Refugee Convention and 1961 Statelessness Convention, including efforts to encourage accession to the Conventions.

The High Commissioner expressed his “total agreement” with the recommendations made and expressed his appreciation for the important role of NGOs in UNHCR’s work, particularly national NGOs. The Chairman similarly expressed his admiration for UNHCR’s NGO partners and welcomed the participation of NGO community in ExCom debates. State interventions generally welcomed the recommendations, particularly in relation to supporting local NGOs.

ELECTION OF OFFICERS

The following officers were elected by acclamation:

- Chairperson: H. E. Ambassador Hisham Badr (Egypt)
- Vice-Chairperson: H. E. Ambassador Jan Knutsson (Sweden)
- Rapporteur: Ms. Sofía Lascurain (Mexico)

CLOSING REMARKS

Closing remarks from Mr Antonio Guterres, United Nations High Commissioner for Refugees

Full text available at <http://www.unhcr.org/4cb2c5cd9.html>

In his closing remarks, the High Commissioner reflected on a number of the key themes raised in the debate:

- The unanimous recognition by member states of the **vital role played by host states** and communities in protecting and assisting refugees. The High Commissioner called for a “new deal on **burden-sharing** to ensure that the generosity of host countries and communities is matched by solidarity from the developed world.”
- The **risks faced by UNHCR staff** in the field.
- The debate on **UNHCR’s role in response to natural disasters**. The High Commissioner again expressed his commitment to ensuring that UNHCR’s additional role will not undermine its core mandate for refugees and stateless persons.
- The comments by delegations on **transparency, accountability and oversight**.
- The commitment of states to the **commemorations** planned for next year, in particular the identification of protection gaps and responses to them. The High Commissioner appealed to all states, international organisations and UNHCR itself to consider specific measures that would improve the quality of protection.

2010 EXCOM CONCLUSION

Full text available at <http://www.unhcr.org/4cbd930f9.html>

The Conclusion adopted at the 61st session of ExCom focused on **refugees with disabilities and other persons with disabilities protected and assisted by UNHCR**. The Conclusion recognises the specific risks and disadvantages faced by refugees with disabilities and calls on states and UNHCR, *inter alia*, to:

- Protect and assist refugees and other persons with disabilities against all forms of discrimination;
- Provide appropriate support and protection to refugees with disabilities;
- Foster awareness of and respect for the rights and dignity of persons with disabilities;
- Ensure the participation of refugees and other persons with disabilities in the design and implementation of services and programmes; and
- Implement accessibility standards throughout their protection operations, in areas such as registration, needs assessment, service provision, refugee status determination and access to durable solutions.

The Conclusion was noted and welcomed by a number of states throughout the course of the meeting. However, neither the Conclusion itself nor strategies for its implementation were major discussion points.

NANSEN AWARD

The 2010 Nansen Award was presented British photojournalist **Alixandra Fazzina** for her powerful documenting of the lives of those displaced by conflict.

SIDE EVENTS

Briefing on UNHCR Commemorations

Panelists: Ms Erika Feller, Assistant High Commissioner for Protection; Mr Volker Türk, Director of the Division of International Protection; Ms Daisy Dell, Director of the Division of External Relations.

This briefing provided information on UNHCR's plans to mark the anniversaries of the 1951 Refugee Convention and the 1961 Convention on the Reduction of Statelessness, as well as the 150th anniversary of the birth of Fridtjof Nansen.

Key activities will include:

- A meeting of States Parties to the 1951 Refugee Convention and the 1961 Convention on the Reduction of Statelessness, which will be held on 7-8 December 2011.
- The High Commissioner's Dialogue on "protection gaps and responses", to be held at the end of 2010. Issues for discussion will include normative and operational gaps (such as climate change and disaster response) and how national approaches to protection can be complemented by regional approaches.
- Expert consultations and dialogues on the complementarities of international criminal, refugee and human rights law; statelessness; and protection safeguards for the conferral of nationality on children.

Some of the key focal points of UNHCR's campaigning activities throughout the year will include:

- Encouraging governments to take on responsibility for refugee status determination.
- Encouraging accession to treaties on statelessness.
- Refining and encourage a better image of UNHCR, improving the image of displaced people and addressing racism and xenophobia through more effective engagement with the public at large. To this end, UNHCR is currently developing a website focusing on individual refugee stories.
- A major push for fundraising, targeting private sector donors and developing an online giving system.

UNHCR will be seeking to involve refugees in commemorative activities through regional consultations (to be organised by UNSW). It is hoped that representatives from the consulted groups will be able to travel to Geneva for the Standing Committee and annual UNHCR-NGO consultations in 2011.

It was reported that the 60th anniversary of UNHCR will be only be celebrated internally due to concerns that, as a service provider, UNHCR's focus should be on the people who have benefitted from its work and thus it should not excessively laud its own achievements. However, as an acknowledgement of the difficult conditions under which UNHCR staff work, UNHCR will hold an internal celebration to mark its anniversary to which anyone who has ever worked for UNHCR will be invited.

In Search of Protection and Livelihoods: Study on the socio-economic and environmental impact of the Dadaab refugee camps on host communities in Kenya

Panelists: Mr George Okoth-Obbo, Director of UNHCR's Regional Bureau for Africa (moderator); HE Ambassador Steffen Smidt of Denmark; Mr. Peter Kusimba, Commissioner for the Dept. of Refugees Affairs, Kenya; HE Ambassador Bente Angell-Hansen of Norway; Mr Matthew Owen, Consultant.

To inform decision-making processes on how to improve the conditions in the refugee hosting areas, the Kenyan Department of Refugee Affairs, together with the Embassies of Denmark and Norway in Kenya, commissioned a study on the impact of the refugee camps on the host community. This side event presented the main findings of the study.

The refugee population in Kenya is growing at an alarming rate. Including undocumented arrivals, it is estimated that more 500 000 refugees now reside in Kenya, 300 000 of whom live in Dadaab. Many have been in Kenya since 1990 and are increasingly looked upon as a permanent presence.

The core objectives of the study were to: 1) assess the social and economical benefits and challenges the refugee camps have on the surrounding communities; 2) assess the environmental impact; and 3) identify the options for responding to the negative impact and optimising the positive elements to inform future decision making about the camp. The study was conducted through a literature review, stakeholder consultation and field survey involving questionnaires and interviews.

Key findings

- The host and refugee communities share a common language, culture and religion and there is much social and economic interaction between the two communities. This interaction has blurred the distinction between refugees and hosts, for example the study revealed that more than 40 000 members of the host community hold refugee ration cards.
- The camp has brought improved the access of the host community to services and infrastructure, including transport, communications, water, schools and health facilities. However, there has been an over-concentration of investments and services close to the camp.
- The camp operates as an urban centre and has brought numerous economic benefits to the host community through sales of livestock, milk, firewood and food (resale of rations); contracts, businesses and employment in humanitarian work; and investment returns on host community projects. There are around 5 000 shops in the camp, compared to 370 shops in Dadaab town.
- The camp has a negative impact on the environment. There is a heavy dependence on natural resources, particularly firewood, which has resulted in degradation of woodland. Water extraction now slightly exceeds recharge and the area in close vicinity of the camp has been overgrazed.
- Humanitarian actors are poorly equipped for development work, as their primary focus is on infrastructure and services rather than production, trade and capacity-building. The nature of support increases dependency.

Key recommendations

- Formulate a new approach to host development, with a focus on viable livelihood support, which recognises Dadaab as a major population centre and economic hub.
- Direct more investment further away from camps.
- Recognise distinct humanitarian and development needs and move away from short term humanitarian funding towards multi-year development assistance.
- Adjust government management practices, including de-registration of locals and working towards the legalising of trade over the Somali border.

Launch of the Statelessness Conventions Campaign – The Benefits of Belonging: Why States should accede to the UN Statelessness Conventions

Panelists: *H.E. Ambassador Maria Nazareth Farani Azevêdo of Brazil; Mr Volker Türk, Director of UNHCR’s Division of International Protection; Mr Nick Oakeshott, Head of Law, Asylum Aid (UK).*

This event focused on the benefits of acceding to the 1954 and 1961 Conventions on statelessness. There are an estimated 12 million stateless persons in the world, however the two Conventions have been ratified by relatively few States. There are only 65 State Parties to 1954 Convention and 37 to the 1961 Convention. A ministerial-level meeting of these States Parties will be held next year.

A number of benefits of accession to the Conventions were outlined:

- The Conventions set global standards and are part of an international legal framework to address this issue beyond human rights law, giving substance to Article 15 of the Universal Declaration of Human Rights (relating to nationality).
- The Conventions can be of assistance when resolving conflict of law issues. Particularly in light of the rise of intermarriages, the Conventions provide a framework against which such issues can be assessed.
- Preventing statelessness contributes to preventing the causes of displacement, as refugee outflows are often linked to the causes of statelessness.
- Reducing statelessness improves social and economic development, as excluding minority groups from nationality also excludes them from participating fully in society and thus prevents them from contributing to development.
- Accession promotes the rule of international law and regulates what would otherwise be an unregulated area.
- Accession demonstrates commitment to the promotion and protection of human rights.

The Ambassador of Brazil reported on her country’s positive experiences with implementing measures to prevent statelessness. Until 2007, Brazilian nationality was only conferred to children born of Brazilian parents abroad if they returned to and resided in Brazil. This policy resulted in around 2 000 children of Brazilian expatriates becoming stateless because their families did not return to or reside in Brazil. In 2007, the Brazilian Constitution was amended to remove the requirement of residence in Brazil for nationality, paving the way for the accession to the Convention on the Reduction of Statelessness. The Ambassador noted that prevention of statelessness is not simply a humanitarian or altruistic measure, but also one that benefits Brazil, as it protects the human rights of Brazilians by ensuring that children of Brazilians born abroad have the same rights as children of migrants born in Brazil. The Ambassador also noted the importance of civil society participation in encouraging accession to, and implementation of, the Conventions on statelessness and urged UNHCR to work with governments, civil society and diasporas on this issue.

Two new brochures on statelessness were launched at the event:

- *Protecting the Rights of Stateless Persons*, a guide to the 1954 Convention.
- *Preventing and Reducing Statelessness*, a guide to the 1961 Convention.

Quality initiatives: Working together to improve asylum procedures in Europe

Panelists: *Ms Judith Kumin, Director of UNHCR’s Bureau for Europe; Ms Madeline Garlick, Head of the Policy and Legal Support Unit, Bureau for Europe; Mr Dave Hollings-Tennant, Head of the Quality Audit Team of the United Kingdom Border Agency; Mr Michael Ross,*

UNHCR Project Coordinator, 'Further Developing Asylum Quality' Project.

This side event focused on work undertaken by UNHCR with a number of European Union Member States to build and reinforce quality asylum procedures. The European Union is currently in the process of developing a common European asylum system through harmonising laws and norms across the continent. However, there are continuing wide divergences in recognition rates. The current aim of UNHCR's Bureau for Europe is to find ways to adapt the UK model of quality assurance in asylum procedures to other legal systems and contexts in Europe.

UK Border Agency's "quality initiative" method

The UK's "quality initiative" method was developed in partnership with UNHCR in 2004. Experienced auditors with in-depth knowledge of the Refugee Convention and technical experts in the asylum process were recruited to assist in this process. An independent quality audit team of the monitors the asylum process from arrival through to appeal. The quality of decisions is measured against a framework agreed with UNHCR: a random 10% sample of decisions is per month is tested for consistency through assessment against set criteria and marking standards. Each decision maker is audited once every two months. The results from the audit are used to promote continuous improvement in quality through informing training and targeted interventions.

The "quality initiative" method has had a number of key benefits. Namely, the process has:

- Built credibility and confidence in the asylum system, thereby improving perception of and trust in the asylum system amongst the public, corporate partners and NGOs and building confidence amongst decision-makers.
- Improved efficiency in the decision-making process, as shorter interviews with more focused questions, fewer appeals and reduced spending on asylum support help to minimise costs.
- Created a mechanism for continuous, systematic improvement of systems through allowing issues and weaknesses to be identified and addressed.
- Helped to ensure respect for the human rights of asylum seekers, as decisions in this area are often the difference between life and death.

The Asylum Systems Quality Assurance and Evaluation Mechanism (ASQAEM) project

The ASQAEM project was implemented in Austria, Bulgaria, Germany, Hungary, Poland, Romania, the Slovak Republic and Slovenia from 2008 to early 2010. The project identified strengths and weaknesses in national asylum processes and helped introduce significant improvements. The project also highlighted the importance of a systematic approach to quality control in asylum procedures. This work is continuing in Central and Southern Europe with a new EU-funded project entitled, "Further Developing Asylum Quality" (FDQ), involving Cyprus, Greece, Italy and Portugal, as well as Central European States, with Austria, Germany and the United Kingdom sharing their experiences.

The project identified seven "deadly sins" of asylum assessment:

- 1) Failure to gather the necessary facts, as a correct conclusion cannot be reached without them;
- 2) Failure to confront applicants with inconsistencies and contradictions, to determine whether they weaken an applicant's credibility or whether, upon closer examination, they can be resolved;
- 3) Failure to use country of origin information appropriately, for example use of inaccurate or outdated information;

- 4) Poor interpretation, for example paraphrasing or failing to take the applicant's concerns seriously;
- 5) Using a variable standard of proof, which creates inconsistencies in decision-making;
- 6) Faulty credibility analysis; and
- 7) Failure to provide any reasoning for the conclusion, for example many decisions simply state the facts of the case, outline country of origin information and quote the law but don't provide the reasons for reaching a particular decision.

The project recommended the implementation of systems based on:

- The principle that the person who hears the information should make the decision
- Protection of the applicant's right to know and respond to the case against them.
- Internalisation of quality control.
- Capacity-building through targeted training, professional development days and the development of quality manuals, checklists and questionnaires.

Other suggestions from the floor included recruiting skilled decision-makers, promoting oral decisions where possible and being mindful that courts may differ in their interpretation and use of the evidence.

Going beyond Numbers by Getting the Figures Right: IDP Profiling for better humanitarian responses

Panelists: Mr Jean-François Durieux, UNHCR's Director of the Division of Programme Support and Management (moderator); Mr Vladimir Cucić, Commissioner for Refugees of the Republic of Serbia; Ms Kate Half, Director of the Internal Displacement Monitoring Centre; Mr Rashid Khalikov, Director of OCHA, Geneva; Ms Kimberly Roberson, Chief of Field Information & Coordination Section, UNHCR.

This event focused on the most recent experiences and initiatives in promoting better collection and management of population data in situations of internal displacement. While there is no prescribed methodology for IDP Profiling, a wide range of data collection methods can be applied including sample surveys, quick estimation techniques, registration, censuses, and qualitative interviews. Profiling requires fewer resources than full registration and can be used to plan more detailed data collection once a basic overview of the scope and magnitude of a situation has been obtained. Profiling can be particularly advantageous in cases where the population is mobile and interspersed within a host population, such as in urban areas, and in situations where direct access is restricted. Some of the lessons learned from IDP profiling have now been integrated into UNHCR's work with refugees.

Over the past six years, there have been a number of tools developed to promote profiling as a data collection and management approach in IDP situations, including the 2008 handbook entitled "*Guidance on Profiling Internally Displaced Persons*"; and the establishment in 2009 of the Joint IDP Profiling Service (JIPS), which promotes interagency collaboration in IDP data management and provides technical support to states and humanitarian actors in planning and carrying out IDP Profiling exercises.

UNHCR noted that accurate data collection plays a key role in ensuring appropriate service provision and accurate needs assessment, facilitating collaboration between different agencies and measuring the effectiveness of UNHCR's work.

The Commissioner for Refugees of the Republic of Serbia reported on his country's recent experience with IDP profiling. Serbia is currently faced with a protracted IDP situation which has lasted for almost 11 years. Registration of the total IDP population was conducted at the

beginning of the crisis, however much of this initial data is no longer valid or relevant. A profiling process was undertaken to update the data and provide a more accurate overview of IDP needs.

UNHCR's protection and durable solutions role in the context of the peace agreements in Sudan

Panelists: *Mr George Okoth-Obbo, Director of UNHCR's Regional Bureau for Africa (moderator); Mr António Guterres, United Nations High Commissioner for Refugees; H.E. Mr Kong Danir Golwak State Minister, Interior Ministry of Sudan.*

Since 2004, UNHCR's engagement in Sudan has expanded from a focus on refugee protection and assistance in the east, to a response to the emerging needs of new groups of refugees, a large number of returning refugees in southern Sudan, and internally displaced persons (IDPs) in Darfur. This event discussed several dynamics which shape UNHCR's current role in Sudan:

In 2010, the Government of Sudan embarked on the review of its Asylum Bill which will enshrine in the domestic law Sudan's international obligations under the UN and OAU Refugee Conventions. The revisions should also facilitate the naturalisation of long-staying refugees in eastern Sudan.

The Comprehensive Peace Agreement (CPA) has facilitated the return of many refugees to Sudan. However, since mid-2009, returns have dwindled to a few dozen each month. This decline is due to a number of factors, including security concerns created by tribal clashes and an increase in banditry; and a preference amongst some refugees to relocate to urban areas where there are employment opportunities relevant to the skills and qualifications they have earned in exile. It is expected that the upcoming referendum will also trigger significant population movements, including the possibility of both internal displacement as well as the large-scale return of IDPs. Furthermore, the Darfur peace process is progressing slowly and may not deliver a political solution in the near future. The Government of Sudan has presented a *New Strategy for Achieving Comprehensive Peace, Security and Development in Darfur* which is expected to lead to significant changes in the scope and delivery of assistance.

Many refugees and IDPs in Sudan are increasingly urbanised which is part of a country-wide trend. However, urban refugees are at constant risk of round-ups, deportation and *refoulement* in the absence of an urban refugee policy. In Darfur, IDPs who have adopted new lifestyles after years of residing in peri-urban camps are unlikely to return permanently to their places of origin.

UNHCR is now developing long-term self-reliance strategy for Sudan which aims to move away from models which encourage dependency and find mechanisms by which refugees can become self-sufficient. A key objective of this process is to convert refugee camps into self-sustaining villages. The High Commissioner emphasised that UNHCR should be working towards solutions in Sudan rather than responding to emergencies.