

UNHCR EXECUTIVE COMMITTEE MEETING OCTOBER 2011

The annual meeting of UNHCR's Executive Committee took place from 3-7 October 2011 in Geneva, Switzerland. Key topics of discussion included: responses to major international emergencies, including those in Côte d'Ivoire, Libya and Somalia; resolving protracted refugee situations and enhancing durable solutions to refugees; the need to improve cooperation and sharing of responsibility for refugee protection, such as through collaborative regional arrangements; the need for more constructive approaches to asylum seeker management which balance national interests with international responsibilities, and avoid practices which cause serious harm to persons seeking protection; and the protection needs of refugee women and girls.

The UNHCR reports and presentations to the ExCom meeting, as well as brief reports on the proceedings and selected video clips, are at <http://www.unhcr.org/pages/4e2693656.html>

This document, produced by Refugee Council of Australia, is a compilation of some of the comments made during the ExCom meeting by UNHCR, by State representatives and in the formal NGO statements compiled by the International Council of Voluntary Agencies. These comments include those potentially of most interest to Australian NGOs. Also included are the three formal statements by the Australian Government delegation, which was headed by Dr Wendy Southern, Deputy Secretary of the Department of Immigration and Citizenship.

SUMMARY OF PROTECTION CHALLENGES FOR 2011

High Commissioner, Antonio Guterres, in his Opening Statement:

It has also been an extremely challenging year. Against a backdrop of multiple other dramatic events, namely in the context of the Arab Spring, 2011 has been marked by a quick succession of three major emergencies that have tested our capacities and that of our partners. At 60 years old, these events have reminded us of the essence of why UNHCR was established: to protect refugees. And indeed the major emergencies of 2011 have been refugee emergencies.

During the final weeks of 2010, thousands of refugees fled Côte d'Ivoire after the disputed elections. Over the next few months, more than 200,000 Ivorians sought asylum in neighbouring countries, most of them in Liberia. Simultaneously, hundreds of thousands were displaced inside Côte d'Ivoire, particularly around Abidjan and in the western region.

In the years preceding the emergency in Liberia, UNHCR's field presence had been reduced significantly, and our initial response was slower than we would have liked it to be. A meaningful scale-up of our capacity and collaboration with national and international partners were essential to tackling the immense challenges that confronted us in the remote border areas.

At the height of the Côte d'Ivoire crisis, another large-scale emergency started in North Africa. Following the outbreak of violence in Libya, around one and a half million people – including migrants and refugees – crossed the borders to neighbouring countries. During the peak of displacement in March, 15 to 20,000 people a day were crossing into Tunisia and Egypt. The capacities of those countries were quickly overstretched.

The International Organization for Migration – whose Director-General I would like to thank here today – and UNHCR started a major humanitarian evacuation of third country nationals who had fled from Libya and needed international assistance to get back home. In our joint effort, led by IOM with the support of governments, more than 1,600 flights were organized, helping 157,000 people to return.

Some 5,000 people from third countries had no place to go back to – namely Somalia and Eritrea – sought asylum in Tunisia and Egypt. More than a million Libyans also crossed the borders, although the vast majority has since returned home. Tens of thousands of refugees and migrants fled by boat across the Mediterranean, many of them perishing on the way.

Among those most vulnerable to the violence in Libya were – and continue to be – people originating from sub-Saharan Africa. Many of them come from war-torn countries. I appeal to the National Transitional Council to ensure their safety in Libya. Refugees and migrant workers must not be confused with mercenaries.

With these two full-blown displacement crises already on our hands in the spring, the worst was yet to come. As drought continued to worsen amid the decades-old conflict in Somalia, more than 270,000 people fled the country, bringing the total number of Somali refugees in the region to a staggering 900,000. Another 1.5 million are internally displaced. This means nearly a third of the entire population of Somalia has been forced from their homes.

Kenya, Ethiopia, Yemen and Djibouti have generously borne the brunt of this mass exodus. The world's largest refugee camp, Dadaab in Kenya, has grown to five times its intended size, housing more than 450,000 people. Thanks to additional land that was made available by the Government of Kenya – whom I would like to thank here – new sites around Dadaab have opened since June. More than 50,000 refugees have already been relocated there, helping to decongest the hopelessly overcrowded camp. But people continue to arrive at a rate of a thousand a day.

In the Dollo Ado camps in Ethiopia, we saw the most distressing levels of mortality and malnutrition at the peak of the crisis – levels unprecedented in any crisis. Up to two-thirds of newly arriving children were acutely malnourished, and in one camp the daily mortality rate exceeded 7 deaths per 10,000. Following a massive concerted effort with our partners, acute malnutrition has now dropped to below 35 per cent, and mortality rates have reduced to 1 per 10,000 per day. However, these levels are still too high, particularly among very young children.

RESPONSES TO ASYLUM SEEKERS AND REFUGEES

High Commissioner, Antonio Guterres, in his Opening Statement:

The principles enshrined in the Refugee Convention, and reflected in the strong value of solidarity in many cultures and religions of the world, have withstood some very tough tests this year. I am encouraged to see so many states uphold these principles even under the most difficult circumstances.

Having said that, however, there is a worrying trend in many parts of the world that continues to threaten the protection space available to refugees. Racism and xenophobia are not the preserve of extremists or homicidal individuals. Similar sentiments are expressed by populist politicians and some irresponsible elements of the media – sentiments that are not always opposed with sufficient energy and courage by mainstream political and social movements.

Racism and xenophobia diminish us all. But the discrimination and intolerance to which they give rise, do not affect us equally. Refugees, asylum seekers and people without a nationality suffer disproportionately.

In anxious times such as the one we are living in, messages of otherness and exclusion play on common fears of the new and unfamiliar. High levels of anti-foreigner feelings in many states where they arrive pose a real threat to the lives and well-being of refugees, and undermine the universal values of tolerance and respect for human dignity. Governments need to address the legitimate security, social and economic concerns of their citizens. But if there is a message for us to get across it is surely that human rights are for all, including the forcibly displaced.

In my view, multicultural, multiethnic and multi-religious societies are not only a good thing, they are inevitable. Building tolerant and open communities is a slow and delicate process. But non-discrimination is a core human rights principle, and it is the duty of all states to acknowledge and give effect to it. Refugees cannot become collateral damage of anti-immigrant attitudes and policies.

Assistant High Commissioner (Protection), Erika Feller, in the debate on International Protection:

For some years now, asylum-seekers have had to contend with ever tighter border controls and entry restrictions, as well as local hostility to them fuelled by a dangerous combination of populist rhetoric, xenophobia, irresponsible journalism, and sometimes just plain ignorance. Asylum-seekers have been swelling the ranks of irregular immigrants, not because *per se* seeking asylum is illegal but because, regardless of the validity of their claims and in spite of the international rules on non-penalisation for illegal entry, they nevertheless fall foul of tightening entry controls, growing visa requirements and ever more restrictive conditions for lodging asylum claims. Illegality in this sense has recently been termed by one commentator more of a “constructed concept” than an objective fact.

Making asylum seeking ever more an illegal activity is not the correct way to reconcile interests and responsibilities. The human and practical costs are too high. This is particularly apparent when it comes to deterrence of sea arrivals which takes a very high human toll and yet does not deter. Boat arrivals take place with regularity across the Gulf of Aden, over the waters of Asia to Australia, and from North Africa across the Mediterranean to Europe. There is a high loss of life at sea as people are enticed, or forced, onto overcrowded, unseaworthy vessels, often equipped with nothing but a satellite phone. Deterrence measures have not stopped boat arrivals, only made them more deadly where they go wrong. And the time-honoured tradition of rescuing those in distress at sea is seriously itself now in distress. As part of its 60th anniversary program of events, UNHCR is convening in Djibouti in November 2011 a meeting of experts – governmental and non-governmental – to examine practical cooperative measures which would facilitate rescues and allocate better the responsibilities for processing and solutions. Hopefully this meeting will see its way clear to exploring, even endorsing, mechanisms like disembarkation guarantees, rapid response funds or resettlement pools.

REGIONAL COOPERATION

Assistant High Commissioner (Protection), Erika Feller, in the debate on International Protection:

UNHCR shares the view that burden and responsibility-sharing are most likely to be advanced at the regional level. In our experience, failure to achieve more collaborative regional arrangements for refugee protection, as for assistance, can serve to destabilise refugee groups, lead to unpredictability and huge swings in protection delivery, inhibit longer term solutions, and can contribute to irregular secondary movement. Hence, we have been actively promoting regional protection mechanisms – as a complement to, not a substitute for, national protection structures. Concurrence with a concept for a Regional Cooperation Framework, achieved at the Ministerial Meeting of the ‘Bali Process’ in March 2011, has been one positive outcome. Taking inspiration from actions well in train to build a harmonised, then common, asylum system in the EU, which took an important step forward with the inauguration this year of the EASO [European Asylum Support Office], UNHCR is promoting that the Bali Framework incorporate a Regional Support Office as a State-owned tool to promote responsibility-sharing through information and “good practices” exchanges, capacity building and training, pooling of common technical resources and, if required, actual support with managing particular situations.

AUSTRALIA-MALAYSIA DEAL

From the NGO Statement to the General Debate

NGOs are alarmed by the Australian government’s persistent pursuit – now through passing of legislation – of an agreement with Malaysia, ruled unlawful by the Australian High Court, whereby 800 asylum-seekers who enter Australia by boat would be sent to Malaysia in return for Australia resettling 4,000 additional refugees from Malaysia over the next four years.

In March, States which are members of the Bali Process agreed in principle to act collectively on refugee protection needs in the Asia-Pacific region. This agreement, in a region where most States are not party to the Refugee Convention, represented a significant breakthrough in the development of constructive dialogue and positive engagement on refugee protection issues. In recent months, however, we have unfortunately seen negative leadership from Australia through its development of the arrangement with Malaysia. This plan not only undermines protection principles and places vulnerable groups at risk, but also sends a clear message to the region that Australia does not respect the binding nature of its international legal obligations towards asylum-seekers and refugees. In a year which marks the 60th anniversary of the *Refugee Convention*, it is particularly disappointing to see Australia, one of the first signatories of the *Convention*, setting this kind of example. NGOs are disappointed that UNHCR did not join with UNICEF in taking a principled stand against the Australia- Malaysia "arrangement" as providing inadequate protection for asylum-seekers.

The complex protection challenges in the Asia-Pacific region can only be resolved if governments commit to reforms aimed at broadening protection measures and building lasting security for refugees and asylum-seekers residing in Asia. NGOs, therefore, call on all governments in the region to take progressive steps towards improving refugee protection standards and enhancing engagement with other States on protection issues. NGOs also call on the Australian government not to proceed with the transfer of asylum-seekers to Malaysia, nor to pursue any change of legislation allowing for such

transfers, or any offshore processing model. Instead, it should explore the role it can play in supporting reform and promoting constructive cooperation to protect refugees.

NGOs emphasise that such refugee “swaps” should not be pursued anywhere in the world since they cannot be seen as a constructive contribution to solving refugee protection problems. NGOs welcome the 2011 Note on International Protection’s reaffirmation to make “combating racism and related xenophobia a key protection priority.” The recently signed Memorandum of Understanding between UNHCR and OSCE/ODIHR is a further positive step in the direction of improving policies for protecting populations of concern from violence motivated by racism, xenophobia, and related intolerance. State responses to violent acts and xenophobic populist rhetoric remain uneven throughout the world. The 60th Anniversary of the Refugee Convention presents an opportunity for governments to pledge taking concrete steps to address the unique challenge of bias-motivated violence against refugees, asylum-seekers, migrants, and other persons of concern. UNHCR, intergovernmental organisations, and UN agencies mandated with human rights protection will have an opportunity to make significant contributions in this effort, and should begin by redoubling efforts to coordinate monitoring, information-sharing, and victim assistance, while enacting policies specifically designed to address xenophobic and bias-motivated violence.

DETENTION

Assistant High Commissioner (Protection), Erika Feller, in the debate on International Protection:

Automatic detention is also part of the deterrence machinery put in place by States to respond to concerns about border infringement. A UNHCR-commissioned study released earlier this year found that there is no empirical evidence that detention deters irregular migration, and that compliance or cooperation rates with the outcome of asylum decisions, even negative ones, are regularly higher than 90 percent when persons have been released into non-detention supervision arrangements. As a practice, detention has proved seriously detrimental to the physical and psychological health of asylum-seekers and refugees. It is being maintained in spite of mounting evidence that costs for detention are generally substantially higher than for less coercive, but just as effective, alternatives to detention.

Representative of the Holy See, Archbishop Silvano Tomasi, in the General Debate:

Public opinion and political expediency have impacted the need for protection of asylum-seekers in a negative way. Among these negative consequences, we note with deep regret that detention of asylum seekers and other people in need of protection is rising and it is no longer used as last resort for exceptional cases.

These persons who are looking for protection or for ways of trying to survive are literally locked up and guarded as if they were criminal prisoners, and children too are placed in the same condition. Very often their living arrangements in detention lead to distinctively deteriorative effects upon the individual person. The prisonlike environments existing in many detention centers, the isolation from the ‘outside world’, the unreliable flow of information and the disruption of a life plan, affect the physical and mental health of asylum-seekers and bring about psychological stress, depression and self-uncertainty, decreased appetite and varying degrees of insomnia. The manner in how detainees see themselves is significantly impacted by detention. In this context, self-perception becomes an important indicator of the effects of detention because as an administrative measure, it should not bring such detrimental personal consequences. It is, therefore, urgent that alternatives to detention be further developed and promoted as, for example, would be expanding community based supervised programs, the introduction of monitoring and reporting mechanisms, the formation of support groups, of drop-in centers, adding to the capacity of open house projects so that at least families with children may reside in a safe living environment. In this way, administrative detention becomes the very last resort.

Of concern to the Holy See and faith-based agencies are also the many refugees, asylum seekers and failed asylum seekers who find themselves trapped in situations of destitution. All over the world we can see people on the move who for good reasons cannot return to countries of origin and yet are completely excluded from social services in the countries where they are living. These persons are in limbo, in an impasse, without any perspective. It is not simply bad luck but policies of state authorities that completely exclude such groups of uprooted persons from any official assistance and leave them in

distress and penury even though they need protection. Without access to housing, to health care, education, social assistance and work the situation of these people is especially worrisome.

Representative of Brazil, Ambassador Maria Nazareth Farani Azevedo, in the General Debate:

Brazil's migration policy creates the necessary conditions to preserve the asylum space in our country. We do not detain undocumented migrants. Negative attitudes towards irregular migration, most of the time fueled by xenophobia and racism, poses serious challenges to international protection, as highlighted by the High Commissioner in his opening remarks yesterday. As the Holy See, Brazil also regrets that detention of asylum seekers is on the rise. These asylum seekers need protection, not rejection. They need help, not detention.

In light of the increasing humanitarian needs of migrants and asylum seekers, Brazil will support, at the 31st International Conference of the Red Cross and Red Crescent, the adoption of a resolution to enable the Red Cross to have effective access to all migrants, irrespective of their legal status.

From the NGO Statement to the General Debate

NGOs are concerned about States' increased recourse, over the past year, to harmful and unnecessary detention of refugees and asylum-seekers. During the June 2010 UNHCR-NGO

Consultations, NGOs from all regions of the world reported that refugees, asylum-seekers, and stateless persons were being detained for lengthy periods in conditions below international standards, and often with little or no access to asylum procedures or rights to challenge their detention. NGOs reported that detention increases the risk of ill-treatment and abuse, including *refoulement*, and has a negative impact on detainees' physical and mental health.

Over the past year, NGOs have voiced their concern over the wellbeing of detained refugees and asylum-seekers in places of political unrest and natural disasters, situations which are known to increase the risk of serious human rights abuses and denial of basic necessities. In relation to Egypt, Libya, and Japan, NGOs have raised concerns on the lack of access by human rights monitoring agencies to immigration detention centres and the need for greater monitoring, regulation, and independent judicial oversight of those centres.

NGOs remind States that international and regional human rights law requires States to actively pursue alternatives to detaining asylum-seekers, including screening, case management, and legal advice, and to use detention as a last resort for the shortest possible time. The law also prohibits arbitrary detention of asylum-seekers and requires States to guarantee judicial review of any decision to detain.

NGOs welcome UNHCR's continued work on immigration detention, including its research into alternatives to immigration detention, which shows that refugees and asylum-seekers are very unlikely to abscond if they remain free and that detention does not deter asylum-seekers or irregular migrants from entering States. NGOs also welcome UNHCR's model pledges for States, which include ending States' detention of refugee and asylum-seeking children and ending automatic detention regimes for refugees and asylum-seekers. NGOs encourage States to consider these pledges in the run-up to the High Level Ministerial Meeting to be held in Geneva in December 2011, as part of the commemoration of the 60th Anniversary of the Refugee Convention.

We ask UNHCR to work with existing NGOs that provide legal aid to refugees; to support efforts to increase the availability of training in refugee law and provision legal aid for refugees throughout the global South; and to monitor the compliance of Member States of the EU with the ECtHR's ruling that all asylum-seekers have access to free legal aid.

RESETTLEMENT

High Commissioner, Antonio Guterres, in his Opening Statement:

With old conflicts increasingly intractable, and new ones proliferating, voluntary repatriation figures are at their lowest in 20 years. Fewer than 200,000 refugees chose to return home in 2010, against an annual average of over a million in the last two decades.

Given the limited opportunities for voluntary return, resettlement has become even more vital.

We have recently passed several important landmarks in our resettlement efforts. Over 50,000 refugees from Bhutan have left for resettlement from Nepal. In late July, the number of Iraqi refugees to depart passed the 65,000 mark, with more than 100,000 having been submitted. Around the same time, the 70,000th refugee from Myanmar set off from Thailand for her new home in the United States of America.

But resettlement opportunities still fall far short of the needs. The number of places made available annually has remained at about 80,000 for the past three years. Global resettlement needs surpass the annual capacity of receiving states by a ratio of ten to one.

UNHCR decreased the number of its resettlement submissions from 128,000 in 2009 to 108,000 in 2010, to avoid building up too large a backlog. Only 73,000 refugees departed for resettlement during last year, 14 per cent less than in 2009.

I cannot overemphasize the urgency of making resettlement places available to refugees. For many of them, it is nothing short of life-saving. Last year, more than 8,000 refugees were brought to safety through emergency resettlement procedures, when they were under serious threat in their countries of asylum.

Nonetheless, utilizing resettlement as an emergency response has proven challenging, due to rigid quota allocations, lengthy processing times and restrictive profile requirements.

Our emergency resettlement efforts in the Libya crisis have demonstrated these limitations all too clearly. While some 2,600 refugees have been submitted, fewer than 450 have departed so far, some of them to emergency transit centres where they await further processing. To mitigate these difficulties, I hope resettlement countries will consider the establishment of a pool of emergency slots to be activated during dramatic outflows.

Assistant High Commissioner (Protection), Erika Feller, in the debate on International Protection:

Another concern links to resettlement, which still has to evolve as a response in emergency situations. Countries continue to insist on certain profiles of refugees and exclude particular nationalities or groups, regardless of emergency needs. Timelines for security vetting and processing of referrals and departure of those accepted are too long and there is a lack of immediately available reception facilities in resettlement countries. We are looking to expand emergency transit platforms for larger-scale evacuation. We also put to the Annual Tripartite Consultations on Resettlement in Geneva in July, the possibility of creating a pool of resettlement places which countries could sign up to in times of emergencies, outside the regular annual quota. These are the sort of creative solutions which need to be pursued.

There are not enough resettlement places to meet the needs, and limited capacities of receiving communities continue to be a factor impeding integration. UNHCR has recently launched an initiative, funded by the EU and to be implemented in partnership with IOM and ICMC, called "Linking in EU Resettlement". Its aim is to reinforce resettlement arrangements in more than 15 EU Member States by building the capacity of new resettlement countries, their municipalities preparing to receive resettled refugees and their local resettlement providers. It is a grass roots effort, including activities like the development of a practitioners' website, the piloting of university sponsorship schemes, media campaigns with a local community orientation, and even the first EU "Resettlement Skills Share Day" to be held in April 2012.

From the NGO Statement to the General Debate

UNHCR estimates that there are more than 800,000 refugees who need resettlement, yet less than 80,000 resettlement places are available worldwide. While NGOs are pleased that the number of countries welcoming resettled refugees has more than doubled over the last decade, it is regrettable that the number of resettlement places has been stagnant, as most new resettlement countries are participating at a level which is little more than symbolic. While the population of the European Union is 65% greater than that of the United States (US), last year the US resettled nearly ten times more refugees than did all of Europe. Norway, Sweden, and Finland have shown Europe how resettlement can be done; the rest of the continent should follow their lead, and that of the US, Canada, Australia, and New Zealand.

This year, however, the US will resettle far fewer refugees than in 2010, screening out thousands of refugees as “security risks” without informing them why to allow them to dispute the finding, then leaving them behind in the country of first asylum under a new cloud of suspicion. This practice puts those refugees at risk. NGOs remind the US and all resettlement governments that depriving refugees of due process deprives them of protection, and urge UNHCR to develop guidelines on refugee protection and the application of security criteria in the context of refugee status determinations and resettlement.

REFUGEE WOMEN AND GIRLS

Assistant High Commissioner (Protection), Erika Feller, in the debate on International Protection:

Protracted displacement disproportionately affects women and youth. This was spotlighted through the series of Regional Dialogues with Women and Girls, which were organised as part of the 60th anniversary events, from November 2010 to May 2011, in India, Colombia, Jordan, Uganda, Zambia, Thailand and Finland. These Dialogues underlined the critical importance of effective and sustained engagement with refugee communities in developing protection strategies. The women shared the harsh reality of their lives in refugee camps and urban sites with clear-sightedness and candour. They described the impacts, including sexual and gender-based violence, of lack of documentation, overcrowded and unhealthy shelter arrangements, inadequate health services, the lack of educational opportunities and unsafe and poor quality schools. One cross-cutting concern was the absence of livelihood possibilities in camps and in urban settings, with failure to invest in this being linked to negative coping strategies like survival sex and damaged prospects for successful integration or reintegration into communities when displacement ends. Refugee communities, properly enabled, are in fact “providers of first resort” when it comes to their own protection. In spite of the obvious importance of investing in livelihoods, this has yet to become a serious priority for the international community.

From the NGO Statement to the General Debate

NGOs commend UNHCR for its ongoing commitment to the protection of refugee, displaced and stateless women and girls and for undertaking the series of Dialogues held in seven countries as part of the 60th anniversary commemorations. During the Dialogues, over 1,000 refugee, asylum-seeker, and internally displaced women and girls and 200 men and boys were consulted on their protection needs. UNHCR and partners’ staff also participated in the Dialogues. We urge States to pledge their support to assist UNHCR to address the many urgent protection needs that the Dialogues have highlighted.

These protection needs include the persistent and horrifyingly high risks of rape and sexual exploitation faced by women and girls in all aspects of their lives which are compounded by lack of registration and access to safe livelihoods, schools, and shelter. NGOs welcome UNHCR’s release of its updated strategy on addressing SGBV as an important opportunity to make tangible and significant progress in addressing this critical protection concern. We look forward to working with UNHCR on implementing this strategy and improving prevention and response efforts in targeted countries. While the updated strategy outlines six new action areas for further agency attention, NGOs urge UNHCR to also prioritise strengthening their core SGBV interventions. Meeting minimum standards in regards to SGBV is still a challenge in far too many contexts. NGOs call on UNHCR to commit the financial and human resources necessary, both at headquarters and the regional/country levels, to address gaps that prevent minimum standards from being met and to build a strong foundation for further protection efforts.

In addition, NGOs note with concern the risks to the safety and well-being of women and girls fleeing drought and famine in the Horn of Africa. NGOs strongly encourage UNHCR to prioritise SGBV programmes in this crisis and to ensure a consistent response across refugee and IDP contexts.

Donor governments are urged to increase funding to UNHCR to enable the employment of sufficient gender specialists and community development and protection staff in all sites; to support the establishment of effective mechanisms for reporting and follow-up on all allegations of sexual abuse, corruption, and mismanagement; and to ensure access in all sites to comprehensive holistic services for the victims/survivors of rape and sexual abuse.

AUSTRALIA'S STATEMENTS

General Debate Statement – Dr Wendy Southern, Deputy Secretary, DIAC

Mr Chairman, this year, the anniversaries of the Refugee and Statelessness Conventions provide the international community with an important opportunity to reaffirm and strengthen the founding principles of the protection regime and to tackle the pressing problems we still face.

Emerging global trends are creating an evermore complex pattern of human movement and displacement which poses a range of new challenges for the international protection regime. Only through enhanced international cooperation between States, UNHCR, civil society and other international organisations can we begin to address these issues.

We commend UNHCR for its focus on themes that will reaffirm and strengthen the protection regime, particularly the renewed focus on addressing statelessness. We encourage States to accede to, and bring national legislation in line with, the 1954 and 1961 Statelessness Conventions and to commit to practical ways of improving the lives of displaced people.

Mr Chairman, UNHCR remains a key partner in the delivery of Australia's humanitarian assistance and immigration programs due to its unique mandate to protect refugees and resolve refugee situations worldwide.

We acknowledge UNHCR's extensive experience in dealing with situations of conflict-related internal displacement and that protection issues associated with natural disasters are in many ways comparable. The expertise and capacity acquired by UNHCR in coordinating a protection response in complex emergencies is invaluable.

In recent years the world has seen devastating natural disasters that have resulted in immense loss of life and human misery. We commend UNHCR for its efforts in dealing with these humanitarian crises.

Australia supports the proposed pilot period for UNHCR to lead the protection cluster, at a government's request, in response to internal displacement following a natural disaster. We urge States to work towards consensus on this protection role. We highlight that UNHCR has indicated that it remains committed to its core mandate and that there would be no risk of additional funds being needed.

Mr Chairman, the Asia-Pacific region experiences the full range of human displacement challenges.

In addressing these challenges, Australia is committed to working with UNHCR and regional partners to improve consistency in the treatment of asylum seekers and refugees, to undermine the people smuggling trade and so enhance the region's response to irregular migration.

Mr Chairman, we note that developing countries have assumed a substantial responsibility by hosting some 80 per cent of the global refugee population. Many of these countries, which already have considerable refugee populations, have kept their doors open to new arrivals.

Australia commends these States for making an immense contribution to the protection of displaced people. Without such international solidarity and cooperation the international protection regime could not operate. We support UNHCR's calls to better recognise this contribution. We also encourage UNHCR to continue its efforts to promote self-reliance as a way to prepare refugees for durable solutions.

Mr Chairman, in the spirit of international cooperation and burden sharing, Australia will continue to offer resettlement places through our Humanitarian Program for those refugees identified by UNHCR to be in need of resettlement, particularly from Asia, the Middle East and Africa.

We welcome Bulgaria, Hungary, Spain and Paraguay as new resettlement countries and we congratulate Japan and Romania on commencing pilot programs. We commend States who are continuing to provide resettlement places and we encourage other countries to consider offering resettlement places.

Australia will continue to work with UNHCR, resettlement states, civil society and other international organisations to enhance the role of resettlement as a durable solution and as a protection tool for individual refugees.

Mr Chairman, Australia also considers the right of refugees to return to their home countries important for solving protracted situations around the world. In this regard, we urge the Government of Bhutan to contribute to a solution to the protracted situation of the refugees from Bhutan in Nepal by accepting for repatriation cases of special humanitarian concern.

Mr Chairman, the challenges I have mentioned are part of an increasingly complex set of factors driving population movement. UNHCR cannot carry this burden alone. Governments must support UNHCR politically and financially, and we must all share this responsibility.

The Australian Government 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. We value UNHCR as one of the most effective humanitarian agencies.

<http://www.geneva.mission.gov.au/gene/Statement238.html>

Statement on International Protection – Dr Wendy Southern, Deputy Secretary, DIAC

Mr Chairman, this year, as we commemorate the anniversaries of the Refugee and Statelessness Conventions, the need for an effective and robust protection regime is greater than ever.

Australia is concerned that the number of refugees and displaced people worldwide remains at record high levels. Entrenched conflicts and protracted refugee situations remain unresolved, while security, economic and environmental factors are prompting further displacement.

Over 60 years, the Refugee Convention has demonstrated its flexibility and relevance amid ever changing global circumstances. The core principles of the international protection regime are still relevant to today's complex mix of displacement challenges.

The ministerial meeting in December is an important opportunity for States to reaffirm their commitment to these principles and work together to find practical solutions to the complex mix of 21st Century challenges.

We commend UNHCR for its focus on themes that will reaffirm and strengthen the protection regime, particularly the renewed focus on addressing statelessness. The 50th anniversary of the Convention on the Reduction of Statelessness is a timely reminder that up to 12 million people still remain stateless. We encourage States to accede to, and bring national legislation and practice in line with, the 1954 and 1961 Statelessness Conventions.

Mr Chairman, securing the basic rights and freedoms of displaced populations is a fundamental protection challenge. Australia strongly supports UNHCR's efforts to protect persons of concern from violence, abuse and exploitation.

Australia is concerned that sexual and gender-based violence continues at an alarming rate. Australia strongly condemns sexual violence against displaced women and girls in refugee situations around the world.

We encourage UNHCR to continue its efforts to protect and assist survivors of sexual and gender-based violence. We also encourage UNHCR to consult with and include women and girls in decision-making that affects their lives. Women themselves have a role to play in monitoring and preventing these incidents.

For its part Australia will continue to offer a guaranteed component of its resettlement places under its 'Woman at Risk' program for vulnerable refugee women.

We note that the Australian Minister for Foreign Affairs, the Hon Kevin Rudd MP, and the Australian Minister for the Status of Women, the Hon Kate Ellis MP, have recently appointed Australia's first Global Ambassador for Women and Girls. The Ambassador will engage in international advocacy in support of Australian Government policy and activities that promote the social, political and economic empowerment of women and girls. Priority areas for the Ambassador's work include: eradication of violence against, and trafficking in, women and girls; protection in conflict and promotion of women in peace-building; and better educational and health outcomes. The Asia-Pacific region is a particular focus.

Mr Chairman, refugee numbers rose last year in the Asia-Pacific region. The region hosts a large proportion of the world's people in refugee-like situations, including many in protracted situations, and a growing proportion in urban areas.

The Asia-Pacific is characterised by a high level of mixed flows, with protection standards and access to solutions in the region variable. Many asylum seekers hoping to have their asylum claims assessed quickly are moved irregularly throughout the region by people smugglers.

Australia therefore welcomed the landmark decision on the 30th of March this year when delegates at the fourth Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime agreed to a Regional Cooperation Framework.

This milestone demonstrates a clear recognition by Bali Process members of the need for a cooperative international response to address the challenges of people smuggling, and to discourage asylum seekers from taking life-threatening journeys in overcrowded boats.

Importantly, the Regional Cooperation Framework builds a bridge between Refugee Convention signatory and non-signatory countries to facilitate burden sharing and cooperation in managing irregular migration.

Mr Chairman, Australia considers that resettlement remains vital in addressing both immediate and long term protection needs of persons of concern and as a tangible demonstration of responsibility sharing with countries of first asylum. As Chair of the Resettlement Working Groups, Australia looks forward to working more closely with UNHCR, resettlement states, civil society and international organisations as we continue to advance the resettlement agenda.

Australia will continue to offer places every year under our Humanitarian Program to refugees identified by UNHCR to be in need of resettlement. We call on other countries to consider providing resettlement places and stand ready to provide support to new resettlement countries.

<http://www.geneva.mission.gov.au/gene/Statement244.html>

Australia's Response to the Review of UNHCR's Annual Consultations with NGOs – Adam Henry, DIAC

The Rapporteur's Report on the Annual Consultation of the United Nations High Commissioner for Refugees (UNHCR) with Non Governmental Organisations (NGO) is a welcome contribution to the ongoing discussion of the needs of refugees, asylum seekers and other displaced people. We commend Dr Linda Bartolomei of the University of New South Wales for her work as Rapporteur and for her presentation of the concerns of NGOs to this Executive Committee meeting.

As always, the feedback from NGOs includes policy critiques and criticisms of different states, including Australia. The stakes are high as we all try to ensure that lives are protected and while we seek to maintain the integrity of refugee determination processes, honest and open dialogue is essential. We may not agree with all of the criticisms of NGOs but it is important that we understand these criticisms and consider whether and how our policies can be improved.

In Australia, we enjoy a mature and constructive dialogue with NGOs. It includes constructive and effective cooperation in many areas but also disagreement on some policy matters. Both the Australian Government and our NGO sector benefit. Ultimately, we are all better placed to respond to the needs of refugees and asylum seekers.

We also commend UNHCR and the NGO community for their efforts to promote genuine refugee participation through the involvement of 10 representatives of the regional refugee women's dialogues in the June Standing Committee meeting and the NGO Consultations.

The women's frank presentations challenged us all – States, UNHCR and NGOs – to do better in response to the daily protection risks they face, particularly the risk of rape and other forms of sexual and gender-based violence.

In line with the recommendations in the Rapporteur's Report we encourage UNHCR to expand the number of specialist gender and SGBV posts both in the field and at Headquarters. We also support the ongoing monitoring of protection responses to refugee and displaced women and girls. We urge UNHCR to give serious consideration to the proposal that a position similar to that of a Special Rapporteur be created to monitor incidents of SGBV and progress made in response and prevention. We encourage the ExCom to include the particular protection needs of women and girls as a permanent agenda item at the Protection Standing Committee in June.

We also lend our support to the recommendations which emphasise the importance of improved responses to the protection of lesbian, gay, bisexual and transgender refugees and asylum-seekers.

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