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EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

Fifty-eighth session
Geneva, 1-5 October 2007
Item 14 of the agenda
Adoption of the report of the fifty-eighth session
of the Executive Committee

Report of the fifty-eighth session of the Executive Committee of the High Commissioner's Programme

Note by the High Commissioner

GE.07-02259

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I. INTRODUCTION

A. Opening of the session

1. The Executive Committee of the High Commissioner's Programme held its fifty-eighth plenary session at the Palais des Nations in Geneva, from 1 to 5 October 2007. It was opened by the Chairman, His Excellency Ambassador Love Mtesa (Zambia).
2. The Chairman welcomed delegates, notably those representing Costa Rica and Estonia who were attending their first plenary session as members.

B. Representation on the Committee

3. The following members of the Committee were represented at the session:

Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Denmark, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Holy See, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kenya, Lebanon, Lesotho, Mexico, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Serbia, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela (Bolivarian Republic of), Yemen and Zambia.

4. The Governments of the following States were present as observers:

Afghanistan, Albania, Angola, Azerbaijan, Belarus, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Congo, Croatia, Czech Republic, Djibouti, Dominican Republic, Gabon, Gambia, Guatemala, Guinea-Bissau, Haiti, Honduras, Iceland, Indonesia, Iraq, Kazakhstan, Latvia, Liberia, Luxembourg, Malawi, Mali, Mauritania, Moldova, Monaco, Montenegro, Myanmar, Nepal, Panama, Peru, Rwanda, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Sri Lanka, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Ukraine, United Arab Emirates, Uzbekistan and Zimbabwe.

5. Palestine and the Sovereign Military Order of Malta were represented as observers.

6. Also present were the following intergovernmental organizations and other entities:

African Union; African, Caribbean and Pacific Group of States; Economic Community of West African States; European Community; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; International Organization of “la Francophonie”; International Organization for Migration; and the Organization of the Islamic Conference.

7. The United Nations system was represented as follows:

United Nations Secretariat; Office for the Coordination of Humanitarian Affairs; Office of the United Nations High Commissioner for Human Rights; United Nations Human Settlements Programme; United Nations Office at Geneva; United Nations Population Fund; United Nations Relief and Works Agency for Palestine Refugees in the Near East; World Bank Group; World Food Programme; and World Health Organization.

8. Fifty-six non-governmental organizations attended the session.

C. Adoption of the agenda and other organizational matters

9. The Executive Committee adopted by consensus the following agenda (A/AC.96/1044):

1. Opening of the session.
2. Adoption of the agenda and other organizational matters.
3. Statements by the High Commissioner and the guest speaker.
4. General debate.
5. Consideration of reports on the work of the Standing Committee:
 - (a) International Protection;
 - (b) Programme budgets, management, financial control and administrative oversight.
6. Reports relating to programme and administrative oversight and evaluation.
7. Consideration and adoption of the Biennial Programme Budget 2008-2009.
8. Review of the Annual Consultations with non-governmental organizations.
9. Other statements.
10. Meetings of the Standing Committee in 2008.
11. Consideration of the provisional agenda of the fifty-ninth session of the Executive Committee.
12. Election of officers.
13. Any other business.
14. Adoption of the report of the fifty-eighth session of the Executive Committee.
15. Closing of the session.

D. Election of officers for the 59th session

10. Under Rule 10 of its Rules of Procedure, the Committee elected the following officers by acclamation, to serve the Committee from the day immediately following their election to the end of the last day of the following annual plenary session:

Chairman: H.E. Ambassador Boudewijn J. Van Eenennaam (Netherlands)

Vice-Chairman: H.E. Ambassador Laura Thompson Chacón (Costa Rica)

Rapporteur: Ms. Emina Tudakovic (Canada)

11. The Chairman-elect, H. E. Ambassador Van Eenennaam made a brief statement in which he committed himself to continue efforts to make UNHCR an increasingly more effective and efficient organization and called on Executive Committee members to honour their responsibilities to assist the Office to carry out its mandate and fulfil the tasks entrusted to it.

II. WORK OF THE FIFTY-EIGHTH SESSION

12. As the basis for the general debate, the High Commissioner delivered an opening statement, the text of which is available on UNHCR's website (www.unhcr.org). The High Commissioner's guest speaker, Mr. John Holmes, United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, then addressed the Executive Committee before the opening of the floor to delegations for the general debate.¹

13. A summary of the general debate, delivered by the Chairman, is found in Annex II.

III. CONCLUSION AND DECISIONS OF THE EXECUTIVE COMMITTEE

A. Conclusion on Children at Risk

14. *The Executive Committee,*

Recalling its Conclusions Nos. 47 (XXXVIII), 59 (XL) and 84 (XLVIII), specifically on refugee children and/or adolescents, Conclusion No. 105 (LVI) on Women and Girls at Risk, Conclusion No. 106 (LVI) on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons, Conclusion No. 94 (LIII) on the Civilian and Humanitarian Character of Asylum, Conclusion No. 98 (LIV) on Protection from Sexual Abuse and Exploitation, Conclusion No. 100 (LV) on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations as well as all provisions of relevance to the

¹ See summary records of the session for a full account of the deliberations of the Committee, including the statement by the guest speaker, statements or other interventions by delegations under all agenda items, and their comments on the draft conclusions and decisions, as well as summing up and closing statements by the High Commissioner and by the Chairman.

protection of refugee children set out in other Conclusions, many of which are relevant for other children of concern to UNHCR,

Taking note of the more recent international developments in relation to the protection of children, in particular the two Optional Protocols to the 1989 Convention on the Rights of the Child (CRC), Security Council resolutions 1612, 1674, and 1325, the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups and the United Nations Secretary-General's Study on Violence against Children,

Recognizing the important work done by the United Nations Children's Fund (UNICEF) and non-governmental organizations (NGOs) in relation to the protection of children,

Affirming that children, because of their age, social status and physical and mental development are often more vulnerable than adults in situations of forced displacement; *recognizing* that forced displacement, return to post-conflict situations, integration in new societies, protracted situations of displacement, and statelessness can increase the vulnerability of children generally; *taking into account* the particular vulnerability of refugee children to being forcibly exposed to the risks of physical and psychological injury, exploitation and death in connection with armed conflict; and *acknowledging* that wider environmental factors and individual risk factors, particularly when combined, can put children in situations of heightened risk,

Acknowledging that, while both girls and boys face many of the same protection risks, they also experience protection challenges specific to their gender, and *reaffirming* that, while many risks may be prevalent in all settings, camp and urban environments may generate different protection needs,

Noting that this Conclusion applies to children, as defined under Article 1 of the CRC, who are asylum-seekers, refugees, are internally displaced or returnees assisted and protected by UNHCR, or are stateless, particularly addressing the situation of those at heightened risk,²

Recalling that the protection of children is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable UNHCR to fulfil its mandated functions,

Recognizing the varied means and capacity of host countries; and *reaffirming* its call to the international community, in cooperation with UNHCR and other international organizations, to mobilize the financial and other resources necessary, including in support of host communities, to ensure the provision of protection and material assistance and the achievement

of durable solutions, based on international solidarity, cooperation and burden and responsibility

² Hereinafter referred to as "children" or "a child"

sharing, as well as on the understanding that inadequate protection, or inadequate, inappropriate or poorly distributed assistance, can increase the risks children face,

(a) *Adopts* this Conclusion which provides operational guidance for States, UNHCR and other relevant agencies and partners, including through identifying components that may form part of a comprehensive child protection system, with the aim of strengthening the protection of children at risk;

Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

- i. Children should be among the first to receive protection and assistance;
- ii. States should promote the establishment and implementation of child protection systems, in accordance with international obligations of States concerned, and to which children under their jurisdiction should have non-discriminatory access;
- iii. The support provided by UNHCR and other relevant agencies and partners in helping States fulfil their obligations should supplement and strengthen the national child protection system in areas where gaps exist, and be delivered in a spirit of partnership by building on each actor's comparative advantages to reinforce the beneficial impact on the protection of children;
- iv. States, UNHCR, and other relevant agencies and partners shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child, and that mechanisms exist to inform children and adults alike of children's rights and options;
- v. The principle of the best interests of the child shall be a primary consideration in regard to all actions concerning children;
- vi. Due consideration should be given to the importance of the family and family support structures for the protection of children;
- vii. Non-discriminatory enjoyment of rights and each child's right to life should be ensured, while also assuring to the maximum extent possible each child's survival and development, supported by a caring and protective family environment and zero tolerance for all forms of violence against children;
- viii. The active promotion of gender equality is essential to the protection of girls and boys, particularly those at heightened risk;

- ix. Emphasis should be given to children in the prioritization of financial and other necessary resources;
- x. A rights-based approach, which recognizes children as active subjects of rights, and according to which all interventions are consistent with States' obligations under relevant international law, including, as applicable, international refugee law, international human rights law and international humanitarian law, and acknowledgement that the CRC provides an important legal and normative framework for the protection of children;
- xi. In recognition that detention can affect the physical and mental well-being of children and heighten their vulnerability, States should refrain from detaining children, and do so only as a measure of last resort and for the shortest appropriate period of time, while considering the best interests of the child;
- xii. A two-pronged approach comprising: (1) mainstreaming of age, gender and diversity into all UNHCR programmes, policies and operations, and (2) targeted action, to ensure that all children, girls and boys of diverse backgrounds, can enjoy protection on an equal basis; and
- xiii. A collaborative approach whereby all relevant actors work together to: identify risks faced by children; undertake participatory situation and comprehensive gap analyses to identify, assess and respond to the wider environmental and individual factors placing children at heightened risk; and document and share information with due respect for rules of confidentiality;

Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

- i. Wider environmental risk factors including, but not limited to: an insecure environment; lack of access to child-sensitive asylum procedures; situations of displacement, particularly protracted situations; statelessness; lack of sustainable solutions; poverty and families' lack of self-reliance opportunities; inadequate access to and use of services such as education and health care; disruption of family and community support structures; prevalence of traditional practices that are harmful to children; discrimination, intolerance, xenophobia, and gender inequality; and lack of documentation of the parent-child relationship through birth registrations and issuance of birth certificates; and

- ii. Individual risk factors, including, but not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, in particular girl mothers and their children; child victims of trafficking and sexual abuse, including pornography, pedophilia and prostitution; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; children who get married under the age specified in national laws and/or children in forced marriages; children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school;

(d) *Recognizes* the challenges involved in identifying children at heightened risk as they are frequently less visible than adults and may not have the opportunity or feel able to report protection incidents, particularly if these occur in the private domain and/or are associated with social stigmas or taboos; *acknowledges* the need to provide children access to adults with expertise in age-appropriate and gender-sensitive interviewing and communication skills to ensure that children's views are taken into account and their needs and protection risks are adequately identified and responded to;

(e) *Recognizes* that individual, careful and prompt registration of children can be useful for States, UNHCR and other relevant agencies and partners in identifying children at heightened risk;

(f) *Recognizes* that the systematic collection and analysis of age- and sex-disaggregated data, and of data on children with specific needs, such as unaccompanied and separated children, can be useful for States, UNHCR and other relevant agencies and partners in identifying children at heightened risk;

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

- i. Within the framework of the respective child protection systems of States, utilize appropriate procedures for the determination of the child's best interests which facilitate adequate child participation without discrimination: where the views of the child are given due weight in accordance with age and maturity; where decision makers with relevant areas of expertise are involved; and where there is a balancing of all relevant factors in order to assess the best option;

- ii. In the case of UNHCR, conduct best interests determinations respecting child protection systems of States in cooperation with other relevant agencies and partners;
- iii. Incorporate needs and rights of children into early warning mechanisms, alerts and contingency plans, and ensure integration of child-based risk analysis into inter-agency assessments relevant to children at risk and development cooperation strategies and plans;
- iv. Establish confidential, accessible and child and gender-friendly complaints and referral systems, in coordination with national authorities when necessary, with clear roles for receiving, referring and addressing complaints from or about a child while ensuring the safety of the child, and for managing case files; children should be adequately informed about the availability of complaint and remedial mechanisms;
- v. Promote the implementation of mechanisms for monitoring the protection of children at risk, particularly of those in alternative care arrangements;
- vi. Strengthen or promote the establishment of child protection committees, as appropriate, with equal and meaningful participation of girls and boys;
- vii. Facilitate access to administrative or judicial procedures of States that are in accordance with their international obligations and that allow for the prosecution of perpetrators of crimes committed against children, and in which decisions on whether a child should be separated from her or his abusive or negligent parents or caretakers are made based on a determination of the child's best interests;
- viii. Develop child and gender-sensitive national asylum procedures, where feasible, and UNHCR status determination procedures with adapted procedures including relevant evidentiary requirements, prioritized processing of unaccompanied and separated child asylum-seekers, qualified free legal or other representation for unaccompanied and separated children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific manifestations and forms of persecution, including under-age recruitment, child trafficking and female genital mutilation;
- ix. Ensure that age assessments are only carried out in cases when a child's age is in doubt, and take into account both the physical appearance and the psychological maturity of the individual; that they are conducted in a scientific, safe, child and gender-sensitive and fair manner with due respect for human dignity; and that they consider the individual as a child in the event of uncertainty;
- x. Establish and/or implement codes of conduct, including stipulating zero tolerance for child exploitation and abuse for all humanitarian staff, including those working in the delivery of services, and for other staff in authority such as border guards, and ensure that confidential and accessible complaints systems are in place which include child and gender-sensitive investigation and follow-up, so as to encourage the reporting of

abuse and exploitation where codes of conduct are breached;

- xi. Address, on a priority basis, the concerns of children in protracted refugee situations, including through intensifying efforts for durable solutions which will reduce the risks they face;
- xii. Support the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas as well as expand national protection capacities for addressing the needs of children in particular; and
- xiii. Mobilize financial and other necessary resources, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing;

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

- i. Provide, where possible, asylum-seeking and refugee children with individual documentation evidencing their status;
- ii. Register births and provide children with birth or other appropriate certificates as a means of providing an identity;
- iii. Facilitate children's enjoyment of family unity through putting in place procedures to prevent separation, and in respect of unaccompanied and separated children, facilitate tracing and family reunification with their family members in accordance with the respective child's best interests, with due respect for the national legislation of respective States;
- iv. Promote the provision of alternative care and accommodation arrangements for unaccompanied and separated children, and facilitate the appointment of a guardian or adviser when an unaccompanied or separated child is identified;
- v. Make all efforts to provide a secure environment including through selecting safe locations for camps and settlements as close to local facilities as possible, undertaking child and gender-sensitive protection-based site planning;
- vi. Take appropriate measures to prevent the unlawful recruitment or use of children by armed forces or groups, and work towards the unconditional release from armed forces or groups of all children recruited or used unlawfully by armed forces or groups, and their protection and reintegration;
- vii. Take effective and appropriate measures, including legislative, administrative and

judicial, to prevent and eliminate traditional practices that are harmful to children taking into account the physical and mental harm caused to the child, and the different impact on girls and boys;

- viii. Encourage the inclusion of all children in education programmes and strengthen children's capacities, including by enabling their equal access to quality education for girls and boys in all stages of the displacement cycle and in situations of statelessness; promote learning and school environments that are safe, do not perpetuate violence, and promote a culture of peace and dialogue; designate child-friendly spaces in camp and urban environments; and promote access to post-primary education wherever possible and appropriate, life-skills and vocational trainings for adolescents and support recreational activities, sports, play and cultural activities;
- ix. Make all efforts to ensure integrated nutrition and health interventions and access to adequate food through measures that address the root causes of food insecurity and malnutrition, including by enhancing families' enjoyment of self-reliance, age and gender-sensitive food distribution systems, targeted nutrition programmes for pregnant women and children during their critical first years of development, and by providing treatment for malnourished children;
- x. Make all efforts to ensure access to child-friendly health services, which provide appropriate medical and psycho-social care for child survivors of violence, including for children with disabilities, take steps towards realizing access to HIV and AIDS prevention, treatment, care and support, including antiretroviral treatment and prevention of mother to child transmission; and for adolescents access to age-sensitive reproductive healthcare as well as health and HIV information and education;
- xi. Establish and provide access to appropriate psychological support and training programmes as required to prepare children better for social reintegration;
- xii. Give high priority to enabling children with disabilities to have access to special assistance and to adequate health and social services, including psychosocial recovery and social reintegration;

- xiii. Develop capacities and competencies on child protection issues through training of government officials, UNHCR staff and implementing and operational partners to enhance knowledge of the rights of children, the fundamentals of child protection and gender analysis;
- xiv. Facilitate the provision of child-friendly information on the conditions in places of return to enable refugee and internally displaced children, in particular those unaccompanied and separated and others at heightened risk, to participate in decision-making on their return; promote respect for protection of children's inheritance rights; and provide, where possible and appropriate, child- and gender-sensitive/adapted reintegration support on integration and participation in the communities to which they are returning, targeting and recognizing the specific needs of the returning child;
- xv. In the context of voluntary repatriation of refugees, take appropriate steps to ensure that unaccompanied or separated children are not returned prior to the identification of adequate reception and care arrangements;
- xvi. Facilitate the integration of internally displaced children in places of settlement through targeted action in support of their integration as fully included members of the community, including by taking measures to address discrimination faced by internally displaced children;
- xvii. Whether in the context of resettlement or local integration, facilitate the integration of refugee children through targeted support in schools, particularly for adolescents, and through providing language classes and education on the culture and social structures in the host country for refugee children; provide support for refugee children at heightened risk that is targeted at addressing their specific needs; and where integration is being implemented, facilitate, as far as possible, the naturalization of refugee children in accordance with national laws and regulations;
- xviii. Enhance the use of resettlement as a protection and durable solutions tool for children at risk; where appropriate, take a flexible approach to family unity, including through consideration of concurrent processing of family members in different locations, as well as to the definition of family members in recognition of the preference to protect children within a family environment with both parents; and recognize UNHCR's role in the determination of the best interests of the child which should inform resettlement decisions including in situations where only one parent is being resettled and custody disputes remain unresolved due to the unavailability or inaccessibility of competent authorities, or due to the inability to obtain official documents from the country of origin as this could jeopardize the safety of the refugee or his/her relatives; and

- xix. Safeguard the right of every child to acquire a nationality, and ensure the implementation of this right in accordance with national laws and obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless; and consider the active dissemination of information regarding access to naturalization procedures.

B. Decision on the nature, value and use of Executive Committee conclusions on international protection

15. *The Executive Committee,*

Recalling that at its 57th session, the Committee called on the Bureau, in consultation with the Office, to continue informal consultations on the nature and value of Executive Committee conclusions on international protection (A/AC.96/1035, paragraph 20(e)),

- (a) *Requests* the Bureau, in consultation with the Office, to provide input for and to hold an informal consultation, no later than by December 2007, in order to establish the parameters and timelines of a review or an evaluation on the use of Executive Committee conclusions, which will serve as an input to the below process; and
- (b) *Requests* the Bureau, in consultation with the Office, to continue informal consultations on how themes for conclusions are identified and the process of preparing, drafting and finalizing conclusions with a view to recommend improvements on Executive Committee conclusions by its 59th session in October 2008.

C. General decision on administrative, financial and programme matters

16. *The Executive Committee,*

(a) *Recalls* the decision of the Standing Committee, at its 39th meeting, on the proposed revision of the *Financial Rules for Voluntary Funds Administered by the High Commissioner for Refugees*; *notes* the comments of the Advisory Committee on Administrative and Budgetary Questions (ACABQ); and *endorses* the proposed revised Financial Rules as contained in document EC/58/SC/CRP.26 with Article 6.13 amended to read as follows:

6.13 The “New or additional activities – mandate-related” Reserve shall be constituted at \$50,000,000 for each financial year of the Biennial Programme Budget, or at a higher level if so decided by the Executive Committee;

(b) *Confirms* that the activities proposed under the Biennial Programme Budget for the years 2008-2009, as set out in document A/AC.96/1040, have been found on review to be consistent with the Statute of the Office of the High Commissioner (General Assembly Resolution

428 (V)), the High Commissioner’s other functions as recognized, promoted or requested by the

General Assembly, the Security Council, or the Secretary-General, and the relevant provisions of the *Financial Rules for Voluntary Funds Administered by the High Commissioner for Refugees*;

(c) *Notes* the fact that the “New or additional activities – mandate-related” Reserve appropriation level of \$50 million has proven insufficient in 2007; *authorizes* UNHCR to increase the 2007 appropriation to \$75 million; *approves* a 2008 appropriation of \$75 million; *approves* an initial 2009 appropriation of \$50 million; and *decides* to review the level for 2009 at its fifty-ninth session if so requested by the High Commissioner;

(d) *Approves* the programmes and budgets for Regional Programmes, Global Programmes and Headquarters under the 2008-2009 Biennial Programme Budget amounting to \$2,204,860,000 including the United Nations Regular Budget contribution towards Headquarters costs, an Operational Reserve (representing 10 per cent of programmed activities) of \$91,914,600 in 2008 and \$95,345,400 in 2009 and a “New or additional activities – mandate-related” Reserve of \$75 million in 2008 and \$50 million in 2009; *notes* that these provisions, together with those of \$10.0 million for Junior Professional Officers in both 2008 and 2009, bring total requirements for 2008 to \$1,096,060,000 and for 2009 to \$1,108,800,000; and *authorizes* the High Commissioner within these total appropriations, to effect adjustments in Regional Programmes, Global Programmes and Headquarters budgets;

(e) *Approves* the revised Annual Programme Budget for the year 2007 amounting to \$1,057,926,300 (including the United Nations Regular Budget contribution of \$34,431,700 as well as a \$25 million increase in “New or additional activities – mandate-related” Reserve) which, with the provisions for Junior Professional Officers of \$10.0 million as well as the needs under Supplementary Programmes in 2007 of \$289,264,900, bring total requirements in 2007 to \$1,357,191,200;

(f) *Notes* the *Report of the Board of Auditors to the General Assembly on the Accounts of the Voluntary Funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 2006* (A/AC.96/1039), and the High Commissioner’s *Measures Taken or Proposed in Response to the Recommendations of the Report of the Board of Auditors* (A/AC.96/1039/Add.1); as well as the *Report of the ACABQ on UNHCR’s Annual Programme Budget for the year 2007* (A/AC.96/1040/Add.1), the various reports of the High Commissioner related to oversight activities (A/AC.96/1041, 1042 and 1043), and *requests* to be kept regularly informed on the measures taken to address the recommendations and the observations raised in these various oversight documents;

(g) *Requests* the High Commissioner, within the resources available, to respond flexibly and efficiently to the needs currently indicated under the Biennial Programme Budget for the years 2008-2009, and *authorizes* him, in the case of additional new emergency needs that cannot be met fully from the Operational Reserve, to create Supplementary Programmes and issue Special Appeals;

(h) *Calls* on UNHCR to keep its administrative expenditure under continual review with a view to reducing it as a proportion of total expenditure;

(i) *Notes* the planned continuation in 2008 of Supplementary Programmes for the benefit of internally displaced persons (IDPs) in the Central African Republic, Chad, Colombia, the Democratic Republic of the Congo, Uganda and under the Global Cluster Appeal, and other planned Supplementary Programmes to meet the repatriation and reintegration needs of Sudanese refugees, operations in Darfur and in and around Iraq and Somalia;

(j) *Also notes* the planned continuation in 2008 of other Supplementary Programmes regarding the UNHCR/MINURSO Western Sahara Confidence-Building Measures operation; the “Improvement of Refugee Protection Within Broader Migration Movements in North Africa” operation; the “Avian and Human Influenza Preparedness and response in Camp Settings” programme;

(k) *Acknowledges* with appreciation the burden that continues to be shouldered by developing and least developed countries hosting refugees, and urges Member States to recognize this valuable contribution to the protection of refugees and to participate in efforts to promote durable solutions; and further *acknowledges* the valuable contribution of resettlement countries to providing durable solutions for refugees;

(l) *Urges* Member States, in the light of the extensive needs to be addressed by the Office of the High Commissioner, to respond generously and in a spirit of solidarity, and in a timely manner, to his appeal for resources to meet in full the approved 2008-2009 Biennial Programme Budget; and to support initiatives to ensure that the Office is resourced in a better and more predictable manner, while keeping “earmarking” to a minimum level; and

(m) *Recalls* the decision of the Standing Committee, at its 39th meeting, which called for further consultations on the proposed new budget structure for UNHCR; further *recalls* renewed appeals for consultations made by the Standing Committee at its 40th meeting; *notes* the related comments of the ACABQ and *calls* on the Office of the High Commissioner to consult with the Committee on the proposed new budget structure through informal consultative meetings.

D. Decision on the programme of work of the Standing Committee in 2008

17. The Executive Committee,

Having reviewed the issues before it at its fifty-eighth session, and bearing in mind the decisions and conclusion adopted at that session,

(a) *Decides* to convene no more than three formal meetings of the Standing Committee in 2008, to be held in March, June and September;

(b) *Reaffirms* its decision on the framework for the Standing Committee’s programme of work (A/AC.96/1003 paragraph 25, sub-paragraph 2(c)), *authorizes* the Standing Committee to add and delete items, if appropriate, to this framework for its meetings in 2008 and *requests* member States to meet in December 2007 to draw up a detailed work plan for formal adoption by the Standing Committee at its first meeting in 2008;

- (c) *Calls upon* its members to continue efforts to ensure that debate at the Executive Committee and its Standing Committee be of a substantive and interactive nature, yielding practical guidance and clear advice to the High Commissioner, in keeping with the Committee's statutory functions; and *calls on* the Office of the High Commissioner to be explicit and analytical in its reports and presentations to the Committee and to submit documentation in a timely manner;
- (d) *Further calls* on the Office of the High Commissioner to consult with the Committee with regard to the ongoing reform measures and the consequent structural and management changes within the organization, including the proposed new budget structure, through informal consultative meetings as well as at Standing Committee meetings; and
- (e) *Further requests* the Standing Committee to report on its work to the fifty-ninth session of the Executive Committee.

E. Decision on observer participation in meetings of the Standing Committee in 2007-2008

18. *The Executive Committee,*

- (a) *Approves* applications by the following Government observer delegations for participation in meetings of the Standing Committee from October 2007 to October 2008:

Angola, Azerbaijan, Bosnia and Herzegovina, Burundi, Cameroon, Croatia, Czech Republic, Guatemala, Indonesia, Montenegro, Slovak Republic, Syrian Arab Republic.

- (b) *Authorizes* the Standing Committee to decide upon any additional applications from Government observer delegations to participate in its meetings during the aforementioned period; and

- (c) *Approves* the following list of intergovernmental and international organizations to be invited by the High Commissioner to participate as observers in relevant meetings of its Standing Committee from October 2007 to October 2008:

United Nations specialized agencies, departments, funds and programmes, European Community, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Sovereign Order of Malta, Executive Secretariat of the Commonwealth of Independent States, League of Arab States, African Union, Organization of the Islamic Conference, Council of Europe, International Organization for Migration, Economic Community of Central African States, Southern African Development Community, Intergovernmental Authority on Development, Economic Community of West African States, International Centre for Migration Policy Development, Organization of Eastern Caribbean States and the Organisation internationale de la Francophonie.

F. Decision on extending the input in the work of the Executive Committee
from non-governmental organizations

19. *The Executive Committee,*

Recalling that in its decision on Working Methods of the Executive Committee and its Standing Committee, including on non-governmental organization (NGO) Observer participation in the work of the Committees (A/AC.96/1003, paragraph 25.4), the Committee called for the continuation of informal consultations to investigate options for extending the input from NGOs which are implementing or operational partners of UNHCR so that the Committee may review the question at its 57th session,

Recalling further that at its 57th session, the Committee requested the Bureau, in cooperation with the Office, to resume and finalize before the 58th plenary session informal consultations to investigate these options (A/AC.96/1035, paragraph 20(f)),

Noting that during informal consultations in 2007 there was no agreement by member States on options to extend participation of NGOs in the work of the Committees,

Recognizing nevertheless the importance of NGOs as partners in UNHCR's work and advocacy on behalf of refugees and persons of concern to UNHCR, and *commending* them for the useful contribution they make to the meetings of the Executive Committee and of its Standing Committee,

(a) *Decides* to pursue consideration of further options for extended NGO participation through informal consultations, on at least an annual basis for the next two years, with a view to taking a decision on the question preferably by its 60th session; and

(b) *Calls* on the Bureau, in consultation with the Office, to include in these considerations a review of options for enhancing the linkages between the NGO Annual Consultations and the annual plenary session of the Executive Committee.

G. Decision on the provisional agenda of the fifty-ninth session of the Executive Committee

20. *The Executive Committee,*

Recalling its decision on working methods adopted at its fifty-fifth plenary session (A/AC.96/1003 paragraph 25),

Decides to adopt as the provisional agenda for the fifty-ninth session of the Executive Committee the standard model contained in sub-paragraph (1f) of the above-mentioned decision.

ANNEX I

List of decisions adopted by the Standing Committee in 2007

In accordance with the authority vested in it by the Executive Committee, the Standing Committee adopted a number of decisions which are annexed to the reports of the different Standing Committee meetings, as follows:

- (a) *Report of the Thirty-eighth Meeting of the Standing Committee (A/AC.96/1037)*
 - i. Decision on programme budgets and funding in 2007;
 - ii. Decision on the criteria for the inclusion of refugee or refugee-related supplementary programme budgets into the annual/biennial programme budget.

- (b) *Report of the Thirty-ninth Meeting of the Standing Committee (A/AC.96/1045)*
 - i. Decision on overall programme budgets and funding for 2007;
 - ii. Decision on proposals for revision of the financial rules, including changes required by the biennialization of the programme budget.

ANNEX II

Chairman's Summary of General Debate

This debate began with very illuminating and thought-provoking presentations by the High Commissioner and Sir John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. In addition, the High Commissioner has responded to each intervention, so this summing up will provide only a brief summary of the major points and trends of interventions.

Delegations agreed with the High Commissioner that the international community is facing new and difficult challenges, especially in the face of climate change, environmental degradation, and mixed migration flows, which add an even more complex dimension to issues of forced displacement. In this context concern was expressed about the increasing numbers of refugees and internally displaced persons.

While noting the successes in some situations, such as providing citizenship for 2.6 million people in Nepal and efforts to return refugees to Mauritania and other places in Africa, a number of situations, notably in Iraq, Afghanistan, Sudan, Chad, the Central African Republic, the Democratic Republic of the Congo, and Somalia, present continuing and worsening problems. In this regard, the debate took note of Security Council Resolution 1778 on Chad, and also recognized the contribution of those States hosting large numbers of refugees including the Syrian Arab Republic, Jordan, Pakistan and the Islamic Republic of Iran.

In the context of these challenges, UNHCR's fundamental mandate as a protection agency has been reaffirmed as set forth in the 1951 Convention on the Status of Refugees and its 1967 Protocol. Delegations also expressed strong support for the principle of *non-refoulement* and the need to preserve the right to asylum and the asylum system. There were several calls for the High Commissioner to continue his efforts on behalf of Stateless persons as well and for States to accede to the 1954 Convention on Statelessness.

At the same time, while recognizing that Governments have the primary responsibility for internally displaced persons, many delegations welcomed UNHCR's evolving role in assisting IDPs. There was strong support for the Office's involvement in the Cluster approach, especially its lead role in the protection, emergency shelter, and camp coordination and camp management clusters, in partnership with others in the UN system. It was noted that UNHCR is not the "IDP agency" and that it is important for the Office to have exit strategies for IDP situations, several delegations commenting that UNHCR's work with IDPs should not come at the expense of its protection of refugees. But others are looking forward to further evaluations of the Cluster approach and its possible rollout in other situations.

UNHCR was encouraged to strengthen its partnerships in other areas, especially with civil society, NGOs and the Red Cross/Red Crescent movement. In terms of overall UN

reforms, there were several calls for UNHCR to continue its engagement with “Delivering as One”, the Global Humanitarian Platform and the Peacebuilding Commission.

Strong support has been expressed for the reform process which the High Commissioner has initiated, including outposting, decentralization and regionalization, defining the methodology for a Comprehensive Field Review, improving management of resources, and proposing a new budget structure comprising four separate pillars. While there were varying points of emphasis, there was general agreement that these reforms should enable UNHCR to respond in a more effective and flexible manner. The new budget approach proposes to differentiate between refugee and stateless programmes and reintegration and IDP projects, which should provide for greater accountability, predictability and transparency. Nevertheless, some delegations still have some reservations and have requested further consultations on this new budget architecture. Support was expressed for biennial budgeting and for a temporary increase in the appropriation level of the “New or additional activities – mandate-related” (NAM) Reserve, and many delegations pointed out the need for additional resources for UNHCR’s programmes.

Several other initiatives were welcomed as well. There was support for the Mexico Plan of Action and several countries suggested that the 10-Point Plan of Action provides flexible guidelines for refugee protection and mixed migration issues, though some called for further consultations on the Plan. Appreciation was expressed for the conference on Iraq held earlier this year, and the Committee is looking forward to the Dialogue on Protection Challenges to be held in Geneva this December. In that regard, there were numerous comments on the importance of addressing protection in mixed migratory flows but also expressions of caution that UNHCR should not be considered a “migration agency.” On the other hand, there seems to be general agreement that UNHCR should indeed be an agency that discusses migration, and that it should continue its participation in the Global Migration Group and its engagement with other partners on these issues. Many delegations also welcomed UNHCR’s response to the Green Paper on the Future Common European Asylum System and its participation in the second phase of discussions.

Of course, along with protection, working for durable solutions is at the heart of UNHCR’s activities. Delegations reaffirmed that voluntary repatriation in safety and dignity is the preferred solution, but that returns must be sustainable, hence the need to address the gap between relief and development. Some examples of initiatives for local integration were described and a number of delegations called for more extensive resettlement opportunities. Attention was drawn to the need to resolve protracted refugee situations, noting that the Office needs to have in place exit strategies, and that the international community should make all efforts possible to provide additional resources to assist in addressing these areas in the spirit of international solidarity and burden-sharing.

Many delegations described challenges and activities being undertaken in their own countries or how they were assisting others in promoting durable solutions, including through new programmes, improved asylum procedures, national legislation, and tripartite agreements. Visits by the High Commissioner, the ExCom Chairman, and other UN staff to various

operations were welcomed. It is clear that most delegations are very pleased with the level of cooperation enjoyed with UNHCR.

On more specific issues, there was strong support for the Conclusion on Children at Risk. At the same time, some delegations welcomed the idea of having discussions and an evaluation on the process leading to ExCom conclusions. In terms of others at risk, there were many calls for UNHCR to continue to address gender-based violence as well as to promote gender equality and gender mainstreaming. Several delegations expressed concern over gaps in ensuring adequate nutrition for refugees and urged the international community at large to attend to this vital need. And there were several reminders that the staff of UNHCR or its implementing partners must not be put at risk either – their safety and access to victims must be assured or they will not be able to carry out their responsibilities.

Such responsibilities have been reaffirmed over and over again in this debate. Delegations have reiterated their support for UNHCR's approach, guided by its mandate, to cope with new and continuing challenges. But UNHCR cannot operate alone. The High Commissioner suggested in his opening remarks that the international community must also begin to cope with these challenges. He noted that this requires political leadership and that Member States alone have the legitimacy to shape the strategies and instruments required to serve people in need. It is therefore up to the international community, in cooperation with UNHCR and its partners, to get on with this task.
