

**Opening Statement by Mr. António Guterres,
United Nations High Commissioner for Refugees,
at the Fifty-sixth Session of the Executive Committee
of the High Commissioner's Programme**

(Geneva, 3 October 2005)

Mr. Chairman,
Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

I would like to welcome you all to the fifty-sixth session of the Executive Committee, particularly new members Ghana and Romania.

I would like to offer my congratulations to our Chairman, Ambassador Martabit of Chile, who replaced Ambassador Escudero Martinez of Ecuador in this role three months ago. I am extremely grateful and applaud his intelligence, enthusiasm and dedication. I thank both for their hard work.

Ladies and gentlemen,

Two weeks ago the largest number of government leaders ever to assemble endorsed the 2005 World Summit Outcome, a step forward on the difficult path to world peace, security and development.

As in the UN humanitarian response system reform, this Office will be fully engaged in taking the Secretary-General's programme forward. I am extremely pleased that he will be with us this Thursday. He has kindly agreed to share his impressions of the Summit and the way forward.

Consensus has been reached in certain areas relevant to our work. In particular, the decision to establish a Peacebuilding Commission and the reaffirmation of the commitment to the Millennium Development Goals. We are hopeful that these decisions will lead to new opportunities for addressing the root causes of conflict leading to forced displacement.

At the same time, the Summit demonstrated the profound mistrust that still prevails in the international community. In areas crucial to the environment in which UNHCR operates, fundamental contradictions remain. Contradictions which the drafters of the Outcome tried – but finally were unable – to reconcile.

Ladies and gentlemen,

A non-political, humanitarian agency such as ours will often be at odds with that environment. Of necessity rather than choice, we can react in only one way. Facing complex situations we need a clear direction. Our mandate requires that we put the needs of refugees and others of concern before all else. Nothing other than this simple principle shall guide us.

This is why it is so important to reassert that we are, above all, a protection agency. A modern concept of protection emphasizes the need to create a space where rights can be enjoyed to the full and where the Rule of Law prevails. In that sense, all our actions must be protection-minded and be judged by their protection implications, and all staff members must see themselves as protection agents.

This is one of the main reasons for my proposal for an Assistant High Commissioner for Protection and the deep reorganization of our support services to the field for effective protection delivery to the people we care for. I look forward to future evaluation of the decision and will pursue a determined reform path of our structures, rules and procedures, as a basic tool for the necessary changes to the culture of the Organization.

My aim is to ensure that protection informs all our policies and infuses everything we do. Protection is the starting point for the lasting solutions we seek for people in our care, and the guide for our interventions in relation to women, children and the elderly. I want to reaffirm the Office's engagement to the Agenda for Protection. The same applies to the five commitments to refugee women (*participation of women in all management and leadership committees, individual registration of all refugee men and women, strategies to address sexual and gender-based violence, women's participation in the distribution of food and non-food items, and provision of sanitary materials to all women and girls of concern*) and the five priorities for refugee children (*prevention of separation from families, sexual exploitation, and military recruitment, ensuring access to education and recreational activities*).

Mainstreaming the effective implementation of our policies, guidelines and actions on gender, age and diversity is a top priority for 2006. The same needs to be done to eradicate enduring malnutrition and to substantially increase capacity to fight HIV/AIDS and other serious health risks. This exemplifies our broader view of protection. I see it also as a way of bridging gaps within UNHCR, creating links between protection and operations, and between Headquarters and the field.

As a protection agency, we are faced today with increasing challenges. Let me outline three of them: confronting rising intolerance in modern societies, preserving asylum in complex population flows and addressing the clear gap that still exists between humanitarian relief and development to make solutions last.

The first of these is perhaps the most difficult to address. We experience intolerance as private citizens. We read it in newspapers and hear it in the tone of political slogans. But the perverse impact is obvious where we work and is felt most keenly by the people we work for.

Intolerance for people from elsewhere, for strangers, for those who are different. Intolerance is fed by some politicians in search of popularity and by several media in search of increased market share. The rise of populism has led to a systematic and willful confusion in public opinion, mixing security problems, terrorism, migrant flows and refugee and asylum issues.

Preserving asylum means challenging the notion that refugees and asylum-seekers are the agents of insecurity or terrorism rather than its victims. Unfortunately, there are many situations today where the concept of asylum is misunderstood, where it is even equated with terrorism. Terrorism must be fought with total determination. But asylum is and must remain a central tenet of democracy.

I appeal to all of you, representatives of responsible governments, members of the active global civil society, international civil servants like myself, to stand together, joining our forces and our voices, confronting this populist approach and promoting tolerance, reason and democratic values. As the German philosopher Jürgen Habermas points out, the basis for democracy is mutual recognition, everyone receiving the same level of respect and reciprocal consideration.

It is true that this is the moment when the number of refugees, as defined by the Convention, is at its lowest level in almost a quarter century. But the plague of internal displacement demonstrates all too clearly that racism, xenophobia, ethnic conflict, violent nationalism and religious fundamentalism are still alive and strong in our world today. We can defeat them only in the name of tolerance, not a value of any specific civilization but of civilization itself.

The second challenge – asylum and migration flows – relates to the first. Migration and security are regular features of public debate. Combined, they are exerting enormous pressure on asylum systems and legislation.

Preserving asylum requires that we be able to find those in need of protection when they are concealed by complex migration flows, as is the case in the Mediterranean and the Gulf of Aden. All states are entitled to the responsible management of their borders and to adopt appropriate migration policies. They should also act forcefully to eliminate the smuggling and trafficking of human beings and severely punish the profiteers. But guarding borders must not prevent physical access to asylum procedures or fair refugee status determination for those entitled to it by international law. A tough and uncompromising crackdown on abhorrent criminals must go hand-in-hand with a humanistic concern to protect their needy victims.

This involves advocacy and timely protection interventions, including access to mixed groups of new arrivals and improved screening of individuals, but also gathering and making effective use of information. Let me be very clear: measures against fraud and abuse are part of delivering protection and essential for the credibility of the asylum system. I am aware of the dilemmas often faced by governments, but my Office stands ready to assist all states with this process.

The third challenge represents a major problem for the international community. The lack of an effective link between relief and development remains as great a handicap for our work today as it was during the tenure of High Commissioner Sadako Ogata, who referred to it simply as ‘the gap’. The gap is not only an internal problem for the countries concerned. It also comes from dysfunctions in the collaboration of international institutions and can be exacerbated by the impact of different or even conflicting strategies of relief and development cooperation agencies, when poorly coordinated by some donor countries.

The absence of a transition from short- to longer-term assistance reduces the life expectancy of solutions. This is particularly true of repatriation. Large-scale population returns are difficult to sustain if development stalls and instability grows. Hard-won solutions may in fact be tenuous, even after years of effort to build them.

Roughly half of all post-conflict situations slide back into violence within five years. Prevention and post-conflict management are therefore both crucial to avoiding population displacement. This is why UNHCR is extremely enthusiastic about the advent of the Peacebuilding Commission. We intend to play an active role in the Support Office of the Commission because the consolidation of peace necessarily includes durable solutions for refugees and displaced persons.

We are not a development agency and we do not intend to become one. But, as part of the UN Development Group, we have raised awareness of the need to include refugees and displaced in national development planning exercises. UNHCR is fully committed to working with UNDP, the World Bank and other partners to help people of our concern become more productive and self-reliant during their displacement and well after their return, and to support the development process of countries of origin and countries of refuge. In Afghanistan, Liberia, Sudan and now Somalia, durable solutions for refugees and other displaced persons are an integral part of the recovery strategies jointly promoted by the UNDG and the World Bank.

This is part of the conceptual framework underpinning Convention Plus: joining forces to tackle protracted refugee situations, adopting more comprehensive approaches to durable solutions, finding innovative ways to share burdens, and giving resettlement a new impetus.

Two region-specific examples of this approach: the Mexico Plan of Action is now in its implementation phase, making good progress in addressing the protection needs of refugees and internally displaced persons in Latin America. The emerging resettlement programme in South America will offer a durable solution for an increasing number of Colombian refugees. In Africa, we hope the Somalia Comprehensive Plan of Action will work as a collective effort to seek innovative solutions to one of the most protracted refugee situations on the continent. We will debate both in side-events during ExCom, building ownership and support for these strategies.

Convention Plus must become part of how we resolve refugee problems today. As Convention Plus is mainstreamed it enters a new phase, when it will reach full maturity as our normal operating mode at Headquarters and field levels, covering all its different perspectives, from the new enhanced emphasis on the role of resettlement, to better support of reintegration and stronger advocacy for continued development aid to make return sustainable.

Ladies and gentlemen,

There is today a general consensus, underlined by the Humanitarian Response Review, that the inability to address internal displacement has become the single biggest failure in the humanitarian action of the international community. This is no longer acceptable. It is a major moral imperative and a growing concern for the global

public opinion. I am fully aware that addressing internal displacement is the primary responsibility of the state itself and must remain so. But UNHCR has been accused in the past of lacking full commitment, of unpredictability, and of having a pick and choose approach. Whether this is fair or unfair is not for me to judge. What I can guarantee is that UNHCR wants to be fully engaged as a predictable partner in helping to fill this gap.

Last month's Inter-Agency Standing Committee discussions led by the Emergency Relief Coordinator supported in principle a clear delineation of responsibilities within the collaborative approach to internal displacement. UNHCR was tasked to lead the clusters on protection, camp coordination and management, and emergency shelter in a new framework to be applied for future emergencies. In existing situations, a flexible transition process, respecting the responsibilities and mandates of the different international actors, needs to be carefully considered. In this exercise, we fully recognize the autonomy of our non-UN partners, looking forward to a very fruitful cooperation.

There are two clear conditions to allow UNHCR's involvement with internally displaced persons at the request of the Humanitarian Coordinator, with the consent of the country itself. That we preserve the right of affected populations to seek and enjoy asylum, and the additionality of funding. Recognizing our role in mobilizing resources for internally displaced persons, we cannot divert funding intended for our work with refugees. We look forward to further discussions with ExCom on our role and will be counting on your support, as well as the efforts of the Emergency Relief Coordinator to meet these additional requirements, notably through a revitalized and upgraded CERF.

ERC Jan Egeland will be present today and I am grateful that he has accepted to participate in this afternoon's panel on internal displacement. A welcome opportunity to gauge where we stand now.

Ladies and gentlemen,

Last year UNHCR deployed 184 emergency missions to 24 countries on four continents. But an honest appraisal of UNHCR's present ability to face emergencies, when compared with that of the mid-1990s, reveals a diminished response capacity and agility. Several measures have already been taken and our clear operational priority today is to build up capacities so that by 2007, we will be able to assume a quick and effective response to unexpected refugee crises involving the displacement of up to 500,000 people.

The physical security of refugees and returnees remains high on our protection agenda, helping government efforts to deliver on their primary responsibility in areas that well exceed UNHCR's mandate and competence. As well as our support to national police forces which ensure refugee camp security in countries like Tanzania, Chad, and Kenya, we have strengthened our cooperation with DPKO in key areas such as rule of law, mine action, and disarmament, demobilization, and reintegration.

Security for refugees but also security for our staff and partners. Like my predecessors, I am committed to ensuring that they can operate where we have to,

while using every possible means to minimize risks to their physical safety. Minimum Operational Security Standards and training are fundamental. In collaboration with the eCentre in Japan, for example, we have introduced risk management tools which assist colleagues to weigh operational needs against the potential security risks. This training will be held for all Heads of Field Offices in November and December this year.

Ladies and gentlemen,

To meet the challenges I have enumerated, UNHCR must demonstrate vision and results. It needs strong partnerships and a healthy funding base. It requires transparency, accountability and structural reform.

As many of you know, I accepted with great regret Mr. Kamel Morjane's resignation as Assistant High Commissioner to serve his country. We have started the selection process for the nomination of his successor in an open and transparent way. The same criteria will apply – pending the ExCom decision – to the new Assistant High Commissioner for Protection.

We have already taken action to strengthen the Office of the Inspector General and its independence. We will continue working with you to guarantee this by enforcing clear rules of non-interference and by sharing the results of inspections with stakeholders. Members of ExCom will now be able to access inspection findings and put additional questions to the Inspector General.

I am committed to establishing a results-based management system with clear objectives, a measurable process to achieve them and an organization-wide accountability framework. We have introduced a number of these elements already, but they need to be reinforced and truly anchored in our management culture.

For the first time this year we issued Global Strategic Objectives at the beginning of the planning cycle to instruct and guide the budget and programming process. We established a Results-Based Management Board chaired by the Deputy High Commissioner. Next year's budget strengthens our Organizational Development and Management Section and makes it responsible for coordination, facilitation and quality assurance of UNHCR's efforts to institutionalize results-based management. Finally, we have expanded the scope of our information technology programme so that Management System Renewal Project provides greater transparency, reduced reporting, better monitoring and management efficiency.

Structural reform will be a sustained process. Recent proposals presented to the ExCom linked to the creation of the AHC Protection are just the beginning. They will generate a centralized policy development capacity under my direct supervision. They will enhance the permanent coordination within the top management with a cabinet-like approach, as well as the responsibilities of the Senior Management Committee. They will establish new horizontal links between support services and operational command, strengthening the central role of the Bureaux which must be aware of all information related to field activities. All that with a 'zero-growth' policy for Headquarters staffing as new posts will be offset by discontinuations.

But the key instrument for future structural reform will be the definition of a workforce management strategy to address simultaneously the efficiency of the Office, the personal fulfillment and welfare of its members, and effective gender balance. This must go hand-in-hand with the simplification of reporting lines and the overall review of internal regulations in administrative and budgetary procedures for increased transparency, accountability, and efficiency, together with the implementation of new, updated strategies for funding and communication.

Ladies and gentlemen,

Nothing that we do would be possible without the hospitality of the countries of asylum, some of them receiving hundreds of thousands if not millions of refugees, even with only limited resources and at huge risk to the environment. The same gratitude is due to the limited number of major donors who have been carrying the bulk of our funding burden. We will do our best to progressively enlarge our funding base with new relevant country donors and a stronger emphasis on private and corporate funding. That, of course, is and will not be immediately enough to avoid the appeals I have made to our major donors to explore ways of making additional contributions yet in 2005 to overcome our present shortfall. Austerity measures on the scale we will otherwise need obviously would have a direct negative impact on our activities and the well-being of refugees. UNHCR has enjoyed relative financial stability in recent years and it is important not to lose it.

In relation to next year, I am aware of the concerns on the fundability of the proposed 2006 Annual Budget. I share these concerns. But every effort has been made – and will be made – to prioritize activities and contain expenditures, particularly administrative costs, not as a blind technocratic exercise but always bearing in mind the pressing needs of the people we care for.

Ladies and gentlemen,

No single group does more for the people of our concern than NGOs. In 2004 UNHCR had 605 NGO partners, 453 of them national NGOs.

We count on you in all areas of our activities – emergency response, reintegration and protection. We will count on NGO expertise too as we become more engaged with internally displaced persons. But we want to have NGOs more and more as strategic partners, with a meaningful dialogue in the definition of objectives and policies.

We also want to increase NGOs input to our planning and programming cycle and in the frequency of our consultations, and we welcome your contributions to ExCom conclusions.

I want to express my deep appreciation for the excellent cooperation with our sister agencies and the Red Cross/Red Crescent movement. But it would be unfair not to express a very special word of gratitude to the World Food Programme for its permanent and devoted support to refugees.

UNHCR also has a long history of working with regional organizations in the search for durable solutions for refugees and displaced persons. The European Commission

with its reliable support. The African Union, more and more active in promoting peace and security and the goals of the New Partnership for Africa's Development. The same must be pursued in Asia and the Americas. We are working closely with the Organization of the Islamic Conference to jointly organize a conference on refugees in its member states, and hope that this can take place in 2006.

Ladies and gentlemen,

Having been in office for three and a half months, I have had the opportunity to visit several field operations. I said earlier that we began 2005 with the smallest number of refugees in almost a quarter century. The major reason for this is of course the large repatriation movements. Several of these are in their full maturity as operations. Afghanistan is one example. This year nearly half a million Afghans have been assisted by us to return home bringing the total we have helped since 2002 to 3.8 million. For the fourth consecutive year this is the biggest voluntary repatriation worldwide, and voluntary repatriation remains our main priority. While mindful of the difficult political, economic, and security conditions in that country, we need to maintain its momentum and count on your continued support for this.

The substantial number of remaining Afghans will present new challenges. The forthcoming Strategic Consultations, co-chaired with the US government and supported by the European Commission, will give us a chance to advance our collective efforts to address them. I look forward to visiting the region in mid-November.

In Africa, over half a million refugees will have returned home in 2005. UNHCR facilitated the repatriation of more than 38,000 Liberian refugees and provided material assistance and transportation for the return of 200,000 internally displaced persons. Angolans are also coming home in relevant numbers, concluding the final chapter of their exile.

This fall marks a decade since the Dayton Peace Agreement, which reaffirmed UNHCR as the lead humanitarian agency for the return and reintegration of refugees and displaced persons in the former Yugoslavia. At next year's ExCom I hope to be able to report that almost everyone who was chased from their homes by the war has either returned voluntarily or has settled where they are now.

But, ladies and gentlemen, other conflicts tend to persist for long periods. In Colombia, internal displacement affects more than two million people. UNHCR has a leading role in protecting them as part of a collaborative approach to displacement, in addition to the protection of refugees in Ecuador, Costa Rica, Panama and Venezuela. Only small numbers have been recognized as such by national eligibility bodies but UNHCR is working on the strengthening of asylum systems and supporting host communities in the region.

As situations emerge from recent conflicts, and as I speak, we are gearing up for two large returns in Africa. South Sudan and Burundi are striving to consolidate peace and democracy. Hope for their large numbers of exiles and displaced is now at hand.

There is increasing optimism among Burundi refugees following the recent elections. The rate of returns from Tanzania during August and September doubled in comparison to the previous months, reaching 43,700 so far in 2005.

The international community must mobilize support for both the institutional buildup and the economic development of South Sudan, in order to create the conditions for sustainable returns, and commit itself to full engagement in support of the peace process for Eastern Sudan and Darfur. Especially in Darfur, a peace agreement is a basic precondition for security to be progressively reestablished, confidence and reconciliation promoted, so that a complex multiethnic and multicultural community is able to come together again and avoid a repetition of the terrible nightmare that shocked the world. Last week's event is a clear indication that there is a real threat, as a unique window of opportunity is in danger of closing.

In several circumstances, lasting solutions have been found and acute problems solved, or have marked genuine progress. This is the case of 12,000 Tajik refugees granted citizenship in Turkmenistan, positive developments with protection and solutions for Vietnamese Montagnards, as well as for Myanmar in Thailand. Others last well beyond any reasonable measure, be it the Saharan refugees in Tindouf, the Bhutanese in Nepal, or the Rohingyas in Bangladesh.

In Iraq, many are still waiting for political stability. Central and southern Somalia is at an early stage of political reconstruction. Return to the Democratic Republic of Congo is slowly gaining momentum.

As some problems are solved, others unfortunately reemerge or represent considerable threats in the near future. Cote d'Ivoire, the Central African Republic and Myanmar require close attention. In countries like the Democratic People's Republic of Korea, violations of human rights also represent a root cause of population displacement.

Ladies and gentlemen,

I would like to close this brief overview of a few of our operations by returning to protection. Several developments this year illustrate the varied forms of our engagement and the divergent needs we encounter.

Events in Kyrgyzstan exemplified it. UNHCR provided humanitarian assistance and protection to some 450 newly arrived Uzbek asylum seekers after the violent events in Andijan in May 2005. In July, 439 Uzbek refugees were moved in a humanitarian transfer from Kyrgyzstan to Romania to ensure their protection and for eventual resettlement. Eleven others were later resettled directly from Kyrgyzstan. The resolution of this situation demonstrated exemplary support from human rights institutions, the international community and concerned states, illustrating the vital role of partnerships.

Recent tragic events in the Mediterranean and the Gulf of Aden prove the need to reinforce international cooperation on rescues at sea, especially the protection elements which these involve. My Office has been working with the International Maritime Organisation and is doing everything in its power to ensure that the global

search and rescue regime is respected by states and commercial shippers. Refugees and any others in distress must be rescued, not imperiled.

Our great concern is how to deal with *bona fide* asylum-seekers concealed by migration flows while addressing legitimate concerns of governments in managing their borders. Progress in this area is sometimes hampered by lack of UNHCR access to target groups. I reiterate UNHCR's willingness and availability to cooperate with states in the regions affected – both North and South – to build capacity and ensure that those in need of international protection are granted access to asylum.

We will continue being very attentive to situations of direct or indirect *refoulement*, governed by bilateral agreements which disregard international law or by the treatment of *bona fide* asylum-seekers as illegal migrants.

This month we conclude the ten-year "CIS Conference" process. Even if gaps still remain, much has been achieved in helping countries build their own capacity and establish the necessary legislative and administrative tools for managing migration and asylum, even if the region still registers unresolved problems of internal displacement.

In the same spirit of dialogue, we are ready to help EU member states ensure that the transposition of EU asylum directives into national legislation does not represent a decrease in protection. Europe must remain a continent of asylum.

Finally, we welcomed Afghanistan this year as a signatory to the 1951 Convention and 1967 Protocol. There are very few countries in the world which know better how vital asylum and protection can be to people's lives than Afghanistan. Its commitment to refugees represents an admirable step in the country's progress towards peace and stability.

We also welcomed the accession to the 1961 Convention on the Reduction of Statelessness by Senegal, and I strongly encourage other States to consider acceding to the 1954 and 1961 Statelessness Conventions. UNHCR is increasing its efforts in this fundamental area of our protection work, both to raise awareness and to find practical solutions to end situations of statelessness, which severely affect the lives of millions of persons throughout the world.

Ladies and gentlemen,

I have outlined the concerns and priorities of UNHCR as a newcomer sees them. But anyone would understand these are challenging times for the Office. We have remarkable opportunities ahead of us too. Many more opportunities, though, will remain out of reach unless we are willing to take on the underlying causes of forced human displacement. In UNHCR we are dealing with the symptoms of a disease. But whether it is poverty and exclusion, any form of violent conflict, or massive violations of human rights, the challenge for today's world is to tackle the disease itself.

Thank you.