

### III. DECISIONS AND CONCLUSIONS OF THE EXECUTIVE COMMITTEE

#### A. Conclusion on proposals arising from the UNHCR 2004 process

#### 19. *The Executive Committee,*

*Welcoming* the dialogue in the Executive Committee of the High Commissioner's Programme on the issues raised by the UNHCR 2004 process,

*Recognizing* that UNHCR is facing a multitude of new and emerging challenges that affect its work, including those linked to globalization, the rise of terrorism, humanitarian action in the context of international politics, complex conflict and post-conflict environments, and evolving responsibilities,

*Reaffirming* that the 1951 Convention and the 1967 Protocol are the foundation of the international refugee regime and *recalling* the contribution of the Agenda for Protection to strengthening the international framework for refugee protection<sup>3</sup>,

(a) *Notes* with interest the Report of the High Commissioner<sup>4</sup> on the Strengthening of the Capacity of the Office to carry out its Mandate, as called for by resolution 57/186, prepared after consultation with the Secretary-General and members of the Executive Committee of the High Commissioner's Programme and the observers of its Standing Committee;

(b) *Supports*, in view of the Report of the High Commissioner<sup>5</sup>, the continuation, from 1 January 2004, of the Office of the United Nations High Commissioner for Refugees on the basis of its Statute<sup>6</sup> until the refugee problem is solved, thereby removing the time-limitation contained in operative paragraphs 1 and 2 of resolution 57/186;

(c) *Recognizes* UNHCR's lead role in international protection of refugees and the promotion of solutions to refugee problems, and encourages the Office to continue to act consistently and proactively, in conjunction with States and within the framework of overall coordination responsibilities,<sup>7</sup> wherever appropriate;

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<sup>3</sup> A/RES/57/187

<sup>4</sup> A/AC.96/980

<sup>5</sup> A/AC.96/980, paragraphs 13-15 and Action 1

<sup>6</sup> UNHCR's Statute is contained in annex to General Assembly resolution 428(V)

<sup>7</sup> A/RES/46/182

(d) *Expresses* support for UNHCR's activities in relation to stateless persons<sup>8</sup>, in particular the provision of technical and advisory services; and *notes* the aim of UNHCR to further extend these to all parts of the world where statelessness is a problem;

(e) *Recalls* UNHCR's competence to provide protection and assistance to internally displaced persons in certain situations, consistent with relevant General Assembly resolutions "on the basis of specific requests from the Secretary-General or the competent organs of the United Nations and with the consent of the State concerned, taking into account the complementarities of the mandates and expertise of other relevant organizations, and provided that activities on behalf of internally displaced persons must not undermine the institution of asylum"<sup>9</sup> and that adequate resources are made available to UNHCR; and *emphasizes* the need for coordination, both within the United Nations system and beyond, as well as the importance of ensuring an inter-agency and collaborative approach, including with the Office for the Coordination of Humanitarian Affairs (OCHA), the International Committee of the Red Cross (ICRC) and members of the Inter-Agency Standing Committee (IASC), when responding to the needs of internally displaced persons;

(f) *Recognizes* the coordination role of the United Nations Emergency Relief Coordinator in the United Nations system's response to internally displaced persons; and *encourages* UNHCR to consult with and support the Emergency Relief Coordinator in the promotion of predictable and timely United Nations strategies aiming to find durable solutions for refugees and internally displaced persons within an integrated approach, whenever appropriate;

(g) *Notes* the High Commissioner's initiative to engage in enhanced information-sharing and an ongoing dialogue with the Emergency Relief Coordinator on UNHCR's operations that benefit internally displaced persons, as a means of contributing to more predictability within the United Nations system;

(h) *Recognizes*, in the context of refugees and other persons of concern to UNHCR returning to their places of origin, the Office's protection and assistance functions; and *recommends* that its work as a catalyst for development with development agencies should be in keeping with their respective mandates, with a view to encouraging sustainable return through integrated inter-agency planning, that allows for the establishment of transition strategies, including support to the communities receiving such persons;

(i) *Notes* with interest the High Commissioner's Framework for Durable Solutions, which includes 4Rs (Repatriation, Reintegration, Rehabilitation and Reconstruction) and DAR (Development Assistance for Refugees), and emphasizes that it should complement other United Nations tools and processes, such as the forthcoming implementation plan prepared by the Executive Committee on Humanitarian Affairs/United Nations Development Group (UNDG)

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<sup>8</sup> A/56/12/Add.1

<sup>9</sup> A/RES/53/125, paragraph 16

Working Group on Transition Issues and the Common Country Assessment/the United Nations Development Assistance Framework;

(j) *Welcomes* UNHCR's admission to the UNDG; and *invites* UNHCR to pursue with the UNDG member organizations, through the Resident Coordinator/Humanitarian Coordinator and the United Nations Country teams and in consultation with the government concerned, the inclusion, in the formulation and implementation of their development programmes, of the needs of refugees, repatriating refugees, and, if applicable, of other persons of concern to UNHCR;

(k) *Invites* States to consider the potential for using development assistance to promote durable solutions and self-reliance activities for refugees and communities hosting them as well as for the sustainable reintegration of refugees in their countries of origin;

(l) *Welcomes* the High Commissioner's intention to organize, in consultation, including on financial implications, and in conjunction with the Executive Committee and within the time allotted to its annual session, a ministerial meeting involving States Parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol and other members and observers of the Executive Committee normally within every 5 years, as a means to give a higher profile to refugee issues and to promote the objectives of the 1951 Convention and its 1967 Protocol;

(m) *Decides*, in cooperation with UNHCR, to consider measures to improve the efficiency and effectiveness of the Executive Committee and that of its Standing Committee, including NGO participation, preferably before the end of its 55<sup>th</sup> session and accordingly requests the Bureau to initiate the necessary consultations;

(n) *Supports* the High Commissioner reporting annually on an oral basis to the Economic and Social Council to keep it informed on the coordination aspects of the work of UNHCR, and presenting a written report to the General Assembly<sup>10</sup>; and *recommends* that the High Commissioner undertake every ten years, in consultation with the Secretary-General and the Executive Committee/ministerial meeting referred to in paragraph (l) above, a detailed review of the global situation of refugees and the role of his Office, and report thereon to the General Assembly, beginning in the 68<sup>th</sup> session;

(o) *Welcomes* UNHCR's efforts to enhance linkages with the United Nations system, in particular with the Office of the Secretary-General and the humanitarian and peace and security pillars; *highlights* the importance of joint efforts of the United Nations Departments of Political Affairs and Peace-keeping Operations, together with UNHCR, which contribute to solutions for refugees; and *encourages* UNHCR to play, including through sharing information with relevant United Nations fora, a more active role, and stresses that all of these activities should be undertaken in a way consistent with UNHCR's mandate;

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<sup>10</sup> Paragraph 11 of UNHCR's Statute

(p) *Welcomes* UNHCR's support for the Inter-Agency Standing Committee (IASC) and encourages the Office to continue to work cooperatively within the IASC for its further development, particularly concerning the strengthening of field coordination and, encourages cooperation with OCHA, including on the use of the Consolidated Appeals Process as an instrument for enhanced coordination, strategic planning and resource mobilization;

(q) *Encourages* UNHCR to enhance its relationship with the Office of the United Nations High Commissioner for Human Rights (OHCHR), particularly at the field level, in the implementation of their respective mandates;

(r) *Encourages* UNHCR to continue to enhance its partnerships with relevant NGOs, recognizing their important roles as advocates, humanitarian actors, and operational and implementing partners of UNHCR, including through involving them directly in operational assessment, planning and effective sharing of information, as well as to search for new opportunities and resources to meet the needs of refugees through strengthened strategic and operational partnerships;

(s) *Encourages* UNHCR to reinforce its efforts, in close collaboration with States and other partners, to strengthen protection in regions of origin, including through capacity-building activities in refugee hosting countries, especially in the areas of registration and refugee status determination;

(t) *Recognizes* the need for UNHCR to contribute, within its mandate, to ensuring that the needs of refugees and asylum-seekers are properly met within the broader context of migration management, while also recognizing the difference between forced and voluntary migration;

(u) *Notes* with appreciation UNHCR's endeavours to foster alliances with the International Organization for Migration (IOM) and other relevant international organizations to continue to identify ways to attain maximum complementarities pertaining to the asylum/migration nexus and looks forward to receiving reports on developments;

(v) *Notes* with interest UNHCR's Convention Plus initiative and encourages it to explore and facilitate the development of Convention Plus special agreements through the High Commissioner's Forum, to build upon the 1951 Convention and its 1967 Protocol, aimed at developing comprehensive approaches to resolve refugee situations, including by improving international burden and responsibility sharing and realizing durable solutions;

(w) *Expresses* support for UNHCR's share of the United Nations Regular Budget to be allocated in an incremental manner to reach a level consistent with the Office's Statute;<sup>11</sup>

(x) *Reaffirms* the continued voluntary nature of UNHCR's funding in accordance with the Statute of the Office, while recognizing the equal importance of contributions made by

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<sup>11</sup> Paragraph 20 of UNHCR's Statute

countries hosting refugees, especially by developing countries; and *requests* that States, within their capacities, contribute to the full funding of the budget level approved by the Executive Committee;

(y) *Expresses* concern over the recurring shortfall in funding UNHCR; and notes the need for more equitable international responsibility and burden sharing as outlined in the Report of the High Commissioner<sup>12</sup>; *welcomes* UNHCR's efforts to broaden the Office's donor base and to diversify funding sources, including through the private sector; *welcomes* the High Commissioner's intention to engage in bilateral consultations with States regarding their contributions to the Office; *invites* States that so wish to apply, in the manner they choose, the 30% Base Level approach, which will be implemented on a pilot basis; and *calls* on UNHCR to report on the implementation of the pilot to the Executive Committee and its Standing Committee.

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<sup>12</sup> A/AC.96/980, paragraphes 53 à 61