

55TH SESSION

OF THE EXECUTIVE COMMITTEE

Report on Consultations
with Non-Governmental Organizations

28 - 30 September 2004

Palais des Nations - Geneva, Switzerland



UNHCR
The UN Refugee Agency

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Abstract

This report provides highlights of the Annual Consultations with NGOs, which this year brought together some 300 representatives of 222 national and international NGOs, UN, and international organizations from 80 countries – the largest turnout in the history of this event. There was a significant increase – 114 – in the number of national NGOs represented.

The consultations were opened by the Assistant High Commissioner and featured 9 Working Sessions and five Regional Sessions with the active involvement of some 65 resource persons from NGOs, academia, member states, and international and UN organizations. These Consultations also provided the space for 15 side-meetings organized by participating NGOs. The Consultations focused on a range of operational issues of refugee protection which are of shared concern to all participating agencies. To the extent possible, a round-table format was encouraged throughout the Consultations so to promote greater dialogue and contact among participants. The reports of each session were prepared by moderators with the aim to capture the main points of discussion and any conclusions reached.

A special working session was held in plenary on the last day to discuss the perspectives of national NGOs from Asia and the Middle East working in the international scene. This was followed by a ‘linkage’ session to promote more dialogue among NGOs, ExCom members and UNHCR, in which a summary wrap-up report was given by the Rapporteur of the NGO Consultations with moderation by the Rapporteur of the Executive Committee. The High Commissioner closed the consultations.

Included in annex to this report are the Annual Consultations Agenda, a list of participants, a list of side-meetings held during the Consultations, and the NGO statements delivered to the ExCom and the High Commissioner’s Forum. This full report may also be found on the web at www.unhcr.org and www.icva.ch.

Prepared with the assistance of resource persons from the following agencies:

Amnesty International • Association of Medical Doctors of Asia • British Refugee Council • CIMADE • Comisión Española de Ayuda al Refugiado • FOCUS Humanitarian Assistance • Forum for African Women Educationalists • Human Rights Watch • InterAction • International Catholic Migration Commission • International Council of Voluntary Agencies • Inter-Agency Network on Education in Emergencies • International Rescue Committee • INTERSOS • Islamic Relief • Jesuit Refugee Service • Menedek – Hungarian Association for Migrants • MERCY Malaysia • Ministry of Labour, Finland • MIZAN • Norwegian Refugee Council • Office Africain pour le Développement et la Coopération • Office for the Coordination of Humanitarian Affairs • Oxfam GB • Permanent Mission of South Africa • Public Interest Legal Support & Research Centre • Refugee Council of Australia • Steering Committee for Humanitarian Response • Tanganyika Christian Refugee Service • The Foundation for the Refugee Education Trust • US Committee for Refugees • World Council of Churches • World Vision International

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Introduction

In the week preceding the 55th Session of the Executive Committee to the High Commissioner's Programme, UNHCR held its Annual Consultations with Non-Governmental Organizations from 28 to 30 September 2004 in Geneva. This year's Annual Consultations saw the largest turnout in the history of the event. Over 300 participants representing 222 NGOs, international organizations and UN agencies from 80 countries attended. There were also a significant number of national NGOs – some 114 – represented. This report provides a summary of the Annual Consultations' sessions. The NGO statements made at the High Commissioner's Forum, which immediately followed the Annual Consultations on 1 October and to the Executive Committee are also annexed to the report.

Welcome to 2004 Annual Consultations with NGOs

1. Craig Sanders, Co-ordinator, NGO Liaison Unit, UNHCR

Craig Sanders welcomed NGOs to the Consultations, noting the increased number of participants from previous years. He drew attention to the various working sessions on the agenda and to the large number of more informal meetings in the margins as a means to share information and debate issues of interest. He highlighted that the High Commissioner was presently in Chad and Darfur, but would provide some insights on his mission during his closing address.

He described the two-year efforts of UNHCR and NGOs to expand NGO participation in the work of UNHCR's governing body, the Executive Committee, which required two decisions by UNHCR's Executive Committee (ExCom). First, ExCom decided on a greater role for NGOs in the Informal Consultations – the consultative process in which ExCom Member States prepare the ExCom Conclusions or guidance for UNHCR – through preliminary sessions and later provide written comments on drafts. He noted this was a step forward. A second decision to revise the criteria for NGO participation in ExCom to include implementing and operational partners who are neither ICVA members nor ECOSOC-accredited became politicized within the Executive Committee. As a result, finding a way forward was not possible for fear of jeopardizing the overall NGO participation. There have been many other achievements over the year, which are featured in the various working sessions of the Annual Consultations. He concluded with a word of thanks to his colleagues in the NGO Liaison Unit and ICVA for the hard work to organize these consultations most of which took place while he was on mission the previous three months in Chad.

2. Ed Schenkenberg, Co-ordinator, International Council of Voluntary Agencies

Ed Schenkenberg added his voice of welcome to the NGOs noting that the Annual Consultations is the single largest gathering of NGOs in a UN setting and provides a unique opportunity for an annual stocktaking of UNHCR-NGO relations. It is also an excellent forum to discuss pressing issues of common concern in order to find ways to better respond to the protection and assistance needs of refugees. He described the efforts made to increase NGO participation in UNHCR's Executive Committee, which did not result in agreement. He questioned the implications for NGOs' work and if it can still be considered impartial in relation to integrated missions, whereby the whole UN family is brought together under one umbrella. He advised NGOs to consider how they wish to relate to the UN and UNHCR in particular. The Red Cross/NGO Code of Conduct recently marked its 10th anniversary. He asked if the humanitarian principles were still understood and described an NGO initiative to revitalise the Code by looking at its relevance and implementation. The outcome should result in a practical reference tool that will inform operational decisions.

With regard to the current debate in Europe on off-shore transit processing centres, he noted UNHCR's position as too pragmatic and traditional. However, he welcomed the initiative to put the issue on the Pre-ExCom agenda so as to have an open discussion with NGOs. With regard to IDPs in Darfur, he expressed disappointment at the absence of the collaborative approach. He acknowledged the fragile humanitarian situation, the continued insecurity and the major needs in each sector in the wider Darfur situation, including Chad. He referred to the slow response by the international community and that NGOs need to look at themselves too. For the first time, ICVA told its members to step to the plate and become operational in Darfur. Finally, he called on NGOs to provide their contributions to the drafting committees for the coordinated NGO statements at ExCom.

Opening Address

3. Kamel Morjane, Assistant High Commissioner for Refugees

Mr Kamel Morjane warmly welcomed all the participants describing the NGOs as UNHCR's partners without whom the organization would be unable to achieve its goals. Making reference to the agenda, he drew attention to some priority concerns for UNHCR:

- An in-depth review of UNHCR's policy and management of staff security issues made 70 recommendations centred around creating a new 'culture of security' at UNHCR through stronger individual and managerial responsibility and accountability, improved training and increased financing of training and risk minimization procedures. Also, the experience with IRC, vis-à-vis the secondment of an NGO Field Safety Advisor to Guinea to assist UNHCR extend security services to NGOs, is being reviewed and revised. It is hoped that this cooperative approach can be developed and replicated to other areas.
- UNHCR is often judged according to its ability to face emergencies. The Emergency and Security Service is working on three key initiatives to help UNHCR's emergency response: implementation of the Emergency and Security Management Initiative (ESMI) Action Alerts; Emergency Procedures review; and the eCentre for emergency training. UNHCR continues to rely on the standby arrangements established with NGO partners.
- UNHCR accords the highest priority to the resolution of protracted situations. Their causes are political and thus solutions must ultimately be sought in that arena. The consequences of protracted situations comprise wasted lives, squandered resources and future problems. Under the framework of the Agenda for Protection, UNHCR is approaching these situations through Convention Plus.
- A recent manual on Standards and Indicators should facilitate programme planning in 2006, implementation and monitoring in 2005 and reporting and evaluation for 2004. Two working groups were set up to review the standards and indicators for assistance to urban refugees.
- Registration is the basis for successful programmes and finding a solution. Therefore, UNHCR has invested wholly in Project Profile which is being tested in the field since July 2004.
- A systematic situation analysis with a focus on gender and age applied to all programme planning and implementation in collaboration with partners is the corner stone to mainstreaming gender and age criteria in operations. During the year, four workshops were held in Central and East Europe, Asia, and West Africa on SGBV and UNHCR's capacity to respond. A fifth is planned in the CASWANAME region end-September. Nine countries received supplementary funding for SGBV advocacy and awareness initiatives.
- On 24 June 2004, UNHCR became the tenth co-sponsor to UNAIDS, which will help UNHCR include refugees in the HIV/AIDS programmes of host countries.

Focusing on regional developments, the AHC described the following:

- In Liberia, the deployment of MINUL across the country has allowed UNHCR to set up a presence in regions of return in order to prepare for the repatriation of 300,000 refugees.

- Security continues to be a major challenge in the Great Lakes. The recent massacre of refugees in Burundi underlined the need for camps to be away from the border.
- The Africa Bureau is in the process of designing a project to build the capacity of national NGOs in Africa so that UNHCR may respond to refugee situations with local resources and expertise, as well as contributing towards the development of these NGOs.
- 2004 marks the 20th anniversary of the Cartagena Declaration, which was adopted in 1984 by a group of government experts and lawyers from Belize, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Venezuela. The anniversary will be celebrated in Mexico on 15 and 16 November. The humanitarian situation in several parts of Colombia continues to deteriorate resulting in new IDP movements.
- More than 500,000 Afghan refugees have returned during 2004 bringing the total number to more than 3 million returns since 2002.

Mr Morjane concluded by thanking the organizers of the Annual Consultations. He acknowledged the large and diverse group the participants represented and looked forward to hearing their thoughts on the various topics throughout the Consultations.

Regional Sessions

4. Central Asia, South West Asia, North Africa & the Middle East Bureau

Moderator: Damaso Feci, INTERSOS

Speaker(s): Ekber Menemencioglu, Director, UNHCR *joined by:*

Anna Maria Deutschlander, Legal Officer, Iraq Support Unit

Emmanuel Gignac, Senior Desk Officer, Iraq Support Unit

Salvatore Lombardo, Head of Afghan Comprehensive Solutions Unit

Monique Malha, Senior Legal Officer

Radhouane Nouicer, Deputy Director (North Africa and the Middle East)

Frank Remus, acting Head of Desk (Central and South West Asia)

Objective:

Discuss operational challenges and achievements with the Director of the Bureau. The session also aimed to enhance the relationship between the Bureau and its NGO partners – partnership in real terms.

Intervention(s):

The session began with a one-minute silence for the 25 humanitarian colleagues who lost their lives in Afghanistan during the year. The Director briefly outlined issues of concern in the region:

- Deteriorating security situation – particularly in relation to Iraq and Afghanistan – its impact on UN and NGO partners
- The difficulty in finding resettlement options outside the region – need for more resettlement options within the region
- Increasing difficulty in protecting asylum seekers and refugees within the broader irregular population movements in North Africa. - need for NGO support

Discussion:

- Security of refugees, IDPs and staff: recognition of the increasingly blurred links between the political and the humanitarian, for both UN and NGOs
- Partnership: the need to join efforts to achieve shared aims – NB the importance of financial partnerships
- Concern about the increasing militarization of humanitarian operations, and the need to clearly separate the two
- Repatriation – often the “best” durable solution, but how to ensure its voluntary character?
- The potential for improving the relationship between NGOs from the north and NGOs from the south – and the scope for developed countries to build the capacity of developing country NGOs.

5. Asia and the Pacific Bureau

Moderator: Rajeev Dhavan, Public Interest Legal Support & Research Centre

Speaker(s): Janet Lim, Director, UNHCR *joined by:*

Catherine Huck, Head of Desk I

Hiro Mori, Head of Desk II

Objective:

Discuss operational challenges and achievements with the Director of the Bureau.

Intervention(s):

Rather than deliver a statement, the Director asked participants to raise questions on issues of concern to them.

Discussion:

MYANMAR/THAILAND

Concerns were raised about unrealistic expectations of refugees from Myanmar of being able to return soon, as the international community feels that the situation is not yet right for return. UNHCR clarified its activities on the eastern border of Myanmar, and to what purpose those activities are intended. For example, after several years of trying, permission was recently granted to get access to the area, which UNHCR views as a positive development leading to greater understanding of the situation in the area.

Strong concerns were raised by the NGOs that, by the Office's presence in eastern Myanmar, UNHCR raises expectations of return – which are unrealistic under current conditions. UNHCR is not currently promoting repatriation and does not have a regular presence on the eastern border – only a “roving field presence”. To date, there have been three assessment missions confirming that this is an area of extreme needs. In this context, UNHCR has agreed with the Government to provide very small project assistance – “pinpricks”, such as the rehabilitation of schools and health centres, wells, etc. These are not enough to be seen as an incentive to return. The issue is how this assistance is delivered – that is, getting to the people most in need, rather than empowering the regime. As part of the assistance, UNHCR has conducted a number of seminars at the central and field level, training Myanmar authorities on UNHCR's mandate and role.

In response to a question on the Bureau's progress for the protection of Myanmar refugees in Thailand, UNHCR has been able, through its interventions, to increase asylum space, in particular with the re-establishment of the Provisional Admission Boards (PABs).

On the issue of contingency planning, UNHCR said the refugees have been planning themselves for some time for their own return, and UNHCR sees this as a way to promote cooperation. The international community needs to balance expectations with what it is able to do on the ground. A suggestion was made to include refugees in contingency planning and conduct an information campaign about the situation and the outlook on return.

Questions were raised about refugee victims of sexual and gender-based violence (SGBV) in Thailand. UNHCR replied that the Regional Office in Thailand has requested further NGO support to work together on SGBV cases, increasing reporting to UNHCR.

Concerns were raised about children, particularly in Mae Sot, who are potentially stateless and do not have access to documentation. On the initiative of UNHCR's Regional Office in Thailand, an interagency/NGO letter was issued to the Government of Thailand to request that all children be granted appropriate documentation. This indicates positive UN/NGO cooperation. There has been, as yet, no response from the Government.

NEPAL/BUHTAN

Issues were raised on the prospects for return, the assistance to refugees in camps in Nepal, resettlement possibilities and future plans. UNHCR affirmed that assistance is not being cut, but that the Office wishes to change the way in which refugees are being assisted in order to be less dependent on external actors. UNHCR is advocating with the Nepalese Government on various issues including the right to work, facilitating resettlement and other initiatives as part of a comprehensive plan to address the situation. Particularly, UNHCR asks for NGO assistance in encouraging the Government to allow a re-registration of the camp population. The Director stressed that the focus is on finding solutions for this protracted situation through a comprehensive approach.

PHILIPPINES (MINDANAO)/MALAYSIA

A question was raised on documentation and issues of alleged statelessness for the children of the Mindanao population in Malaysia. UNHCR has little current information on this population and agreed to follow up on the issue, although it cautioned against the broad use of the term "stateless children" until further information on this population from conflict zones in the southern Philippines could be gathered. An NGO based in Sabah, Malaysia expressed disagreement with the presence of "many children" in Sabah itself. UNHCR welcomed further information from NGOs concerned.

BANGLADESH/MYANMAR

Ninety-five percent of Myanmar refugees in Bangladesh have returned to Myanmar; however, there are concerns about those who remain. Negotiations have been underway between UNHCR and the Government of Bangladesh to introduce self-reliance projects for those refugees. However, the situation is currently at a stalemate as the Government of Bangladesh is worried that such measures will lead to local integration. UNHCR therefore needs to rethink its strategy, aiming for a raised capacity within the refugee community and assistance for surrounding communities. As for those who have returned, UNHCR has an active presence in the Northern Rakhine State (NRS) of Myanmar, and has been monitoring the conditions for those who have already returned.

CHINA/NORTH KOREA

The High Commissioner is hoping to visit China in October in order to raise his concerns to the highest level; however, the official invitation to visit has not yet been confirmed. UNHCR invited ideas from NGOs on how it might gain further access to the North Koreans in China, and possibly how to influence the situation inside North Korea itself.

AUSTRALIA

NGOs commented that there have been a number of positive developments over the last twelve months and that the upcoming election provided another opportunity to promote a more humanitarian approach from the Government. However, the continued long-term detention of rejected asylum seekers on mainland Australia and Nauru was also highlighted. There was a consensus that the current political atmosphere in Australia provides an opportunity for constructive engagement on refugee issues. UNHCR recognized the positive shift and the opportunities it brought, noting, however, that the TPV regime continues to be a double-edged sword. The Office also noted that, with the significant decrease in the number of asylum seekers attempting to reach Australia, the "threat" level perceived by the Government (and the community) may have also dropped. UNHCR agreed that it was time to strengthen constructive dialogue with the Australian authorities.

6. Africa Bureau

Moderator: Terry Ishbairu, Tanganyika Christian Refugee Service

Speaker(s): David Lambo, Director, UNHCR

joined by:

Ebrima Camara, Deputy Director

Bruno Geddo, Senior Legal Adviser

Josefa Ojano, Senior Resource Manager

Objective:

Discuss operational challenges and achievements with the Director of the Bureau, and address the main issues for African refugees.

Intervention(s):

The Director opened the meeting giving a brief overview of UNHCR's operations in Africa. Enhancing international protection and improving standards of assistance remain UNHCR's main focus in Africa. The total figures of refugees in Africa continued to decrease as refugees went home and the Africa Bureau took the opportunity of the last Standing Committee to hold the 8 March Dialogue on Voluntary Repatriation and Sustainable Reintegration, to raise the awareness of the international community on the possibilities for return in Africa. The Director briefly examined the main ongoing and planned voluntary repatriation operations, (Sierra Leone, Angola, Somalia, Liberia, Burundi and the DRC Equateur province) and recalled the remaining protracted refugee situations.

The Director emphasized the need to focus on post-conflict recovery and reconstruction, and underlined the importance of the last two "Rs" of the High Commissioner's 4Rs initiative. He also highlighted the sustainable reintegration of ex-combatants as a vital component of this process.

Discussion

NGOs mentioned the importance of ending the so-called "refugee warehousing" and asked what UNHCR was doing to advocate more strongly vis-à-vis refugee hosting countries against encampment policies. The Director expressed his agreement with the undesirability of encampment policies and explained the challenges in this context, which include acute lack of resources in many African countries, including land, high population density, asylum countries' fatigue, etc. UNHCR has tried very hard to help refugees attain self-reliance while in exile. One basic pre-requisite is the refugees' right to work, which is still not granted by several countries of asylum.

When asked about the return to Somalia and its sustainability, the Director expressed satisfaction about the closure of camps in Eastern Ethiopia and the fact that refugees have been able to go home. However, he noted with concern that the living conditions upon return were less than desirable and the sustainability of the return was fragile. He also expressed the need for increased attention by the international community, which was to a large extent focused on Darfur.

Responding to NGOs' concerns about UNHCR's action in the prevention and response of sexual violence in the Darfur crisis, the Director acknowledged that sexual violence in general in Africa has been a major area of concern to UNHCR in the last two years. In Chad, UNHCR has deployed specialised staff to assist refugees in addressing the consequences of such form of violence suffered prior to their flight from Darfur as well as taken preventive action in the camps in Chad.

On the need for greater efforts to build the capacity of national NGOs, the Director mentioned the forthcoming Conference in Addis Abeba, which is currently being organised by African Humanitarian Action, with the sponsorship of the African Union, as well as UNHCR's support.

When asked about UNHCR's action to counter increasing xenophobia in many countries of asylum, Mr Lambo mentioned UNHCR's policy of providing support to refugee-hosting communities. In this context, the High Commissioner's DLI (development through local integration) and DAR (development assistance to refugees) concepts provide a framework for enhanced support to host communities, at the same time turning the refugee presence into a vehicle for local development.

Finally, the Director responded to an NGO who wished a clarification on the assistance granted to spontaneous returnees in Angola, denying claims that UNHCR does not assist spontaneously returning refugees. Nonetheless, he committed himself to look into the issue again with the colleagues concerned and report back to the NGO.

Other concerns expressed by NGOs were the need to address the root causes of conflict in Africa, and the subsequent need to understand the reasons for the deterioration of socio-economic conditions in many parts of the continent; the shortage of food in repatriation operations, often acting as a deterrent to return; the need for enhanced social integration of returnees in their home societies, with greater focus on their human dignity.

7. Americas Bureau

Moderator: Mahmoud Sayani, FOCUS Humanitarian Assistance

Speaker(s): Hope Hanlan, Director, UNHCR

joined by:

Marta Juarez, Senior Resource Manager
 Manuel Jordao, Senior Protection Officer
 Jozef Merckx, Senior Desk Officer, Desk II
 Peter Wijninga, Senior Desk Officer, Desk I

Objective(s):

Discuss operational challenges and achievements with the Director of the Bureau.

Intervention(s):

The Director briefly outlined issues of concern in the region during her tenure in the Americas Bureau:

- Practical application of the 1951 Refugee Convention in an environment dominated by security concerns;
- Improve protection to both Colombian refugees and IDPs;
- Focus on economic and political situation in countries – understand the constraints of governments when counter-productive;
- Achievements:
 - Commemoration of the 20th Anniversary of the Cartagena Declaration on Refugees
 - Significant progress in Panama since last year: Organised voluntary returns and UNHCR's opening of an office. Civil society and NGOs now have a place and the new government must ensure that things do not erode.
 - UNHCR has opened an office in Brazil. This country can now be considered an alternate resettlement country. Some Columbians have been resettled there.
 - Stability of the Regional Legal Unit in Costa Rica and the consolidation of the Spanish-language web-site;
 - UNHCR has opened dialogue with the Government in Cuba.

Discussion:

- It was questioned why UNHCR does not have a presence in Haiti. There are no refugees in Haiti. During the crisis that led to the departure of President Aristide, some 900 refugees left, of which 279 have voluntarily repatriated from Jamaica and 30 from Cuba. There is a remaining caseload of 230 persons in Jamaica.
- On the interception and detention policy carried out by the USA, UNHCR has regular discussions with the USA Homeland Security. These discussions had disrupted following the event of 9/11 and only resumed recently. The USA position is that Haitians will be considered illegal migrants and sent back. There is no apology for interception as it is considered as saving lives. UNHCR's position is that everyone seeking asylum should have access to hearings regarding their status.
- Concern was voiced over these discriminatory procedures of the USA vis-à-vis Haitians. UNHCR confirmed that there is no indication of Haitians being turned away. UNHCR also said that it could not solve the Haitian problem in the Caribbean island by island, but there is a need to look at a uniform mechanism so as to provide a standard solution.
- The objective of the Cartagena Declaration is to have a platform for open dialogue for governments, UNHCR and civil society. Three sub-regional consultations have already taken place and there is consensus to develop a concrete plan of action.

- UNHCR confirmed the close partnership that exists with civil society in response to question that the organization should seek cooperation from governments to work with civil society as partners.
- It was agreed that dialogue needs to be strengthened between UNHCR and the Church. There is a necessity to link humanitarian assistance with development efforts. Ecuador has been most receptive to refugees than any other country. UNHCR recognizes it must do more, especially due to increased xenophobia. UNHCR has introduced several quick-impact projects and is seeking to work with other UN agencies to develop solutions for Colombia and its most affected bordering countries (Ecuador, Panama and Venezuela). A meeting is scheduled for 14-15 October to discuss ways to improve cooperation among UN agencies to further protection and find solutions to the humanitarian crisis affecting Colombians.
- Dialogue with the Department of Homeland Security (DHS) is necessary regarding detention in very remote areas and adjudication via video. There was a request to train DHS officers.

8. Europe Bureau

Moderator: András Kováts, Menedék – Hungarian Association for Migrants

Speaker(s): Raymond Hall, Director, UNHCR *joined by:*

Oluseyi Bajulaiye, Deputy Director (Western and Central Europe)

Robert Robinson, Deputy Director (Eastern Europe)

Objective(s):

Discuss operational challenges and achievements with the Director of the Bureau.

Intervention(s):

Asylum-seekers and illegal immigration are a controversial topic in the political and public debate. The reasons for this are complex:

- The numbers of asylum seekers are not the key, even if they are often said to be so. In fact, the overall number of persons seeking asylum in Europe is in sharp decline (cf PPT slides).
- There is a perception in the public opinion that European Governments have lost control over their borders; given the lack of regular entry channels into Europe, not only illegal migrants but also genuine refugees have to resort to smugglers' services, and are therefore increasingly criminalized in the public mind.
- There are concerns, emphasized by tabloid media and unprincipled politicians, at misuse of asylum systems by people without protection needs.
- In the post-September 11 context, irregular movements of people are viewed through security lens.

In this context, governments have resorted to increasingly restrictive policies, at national level and at the EU level where UNHCR has expressed concerns about a restrictive approach to EU harmonization. There is a need for policies which put refugee protection and refugees, rather than migration control, back at the centre of asylum policy, and this requires action at a number of levels:

- At national level, asylum systems need to be strengthened to distinguish effectively and rapidly those who need protection as refugees and those who do not.
- At the EU level, there is a new opportunity to strengthen collective action as we enter the second stage of building a common asylum system. Responsibilities and burdens need to be devised more equitably amongst EU countries. Otherwise, given the logic of the Dublin Regulation and EURODAC, increased pressure will be placed on border-States, notably the new Members on the eastern border (while overall the arrival of AS in Western Europe decreased by some 21 per cent in 2003 as compared with 2002, the 10 new EU Member States saw an increase of 16 per cent). In the EU prong, UNHCR is presenting a set of detailed proposals as to how a coherent EU asylum system might be achieved.
- In the regions bordering the EU, much remains to be done to improve the asylum systems. Efforts need to be made both at national and at regional level: the Soderkoping process, the

High Level Review meeting of the CIS Conference held in Minks in May 2004), the participation to the CARDS project for SEO are amongst the main initiatives taken at regional level.

The problem of asylum in Europe cannot be resolved by building asylum systems alone and UNHCR strongly advocates that more attention be paid to refugees' regions of origin. Afghanistan and Iran and, conversely, the Russian Federation (with the displacement from Chechnya) and Serbia and Montenegro (unresolved issues in Kosovo) have shown the impact that changes in regions of origin have on refugee flows.

In summary, only a multi-faceted approach can meet Europe's immigration and asylum challenge. The current period in European asylum policy has its dangers but also its opportunities with new perspectives in terms of improvement of protection standards and the promotion of durable solutions.

Discussion:

With regard to the difficulties for countries in transition like the Balkans that still export refugees to western countries while building their asylum systems and trying to adjust to EU standards, there is a serious danger that restrictive policies will be exported. This is why UNHCR appeals for higher standards and specifically objects to FYROM's application of internal flight alternative for people from Kosovo. UNHCR's role in terms of readmission agreement is limited. Reception capacity should be taken into account and when it is limited, returns should be phased.

There is a great deal of incoherence in Europe regarding the recognition rate of Chechen refugees. It is a perfect example of the need for harmonization. We can expect the recent events in Beslan to have a negative impact and that the entire Chechen population becomes 'criminalized'. Chechen will feel unsafe in Ingushetia and may be more inclined to move to Western Europe but in the mean time there may be less tolerance in Europe to accept Chechens.

In response to a question regarding UNHCR's role in conflict prevention and on Iraqi refugees' figures, UNHCR has rather a role in mitigating conflict and also in reconciliation and mediation (cf Balkans, East Timor). Only governments can really prevent political conflicts and their consequences in terms of refugees. With regard to the decrease in figures related to Iraqi asylum-seekers, one cannot say that the decrease is in the number of arrivals only; the more governments make it difficult for people to apply for asylum, the more people have a tendency to go underground. UNHCR has issued a very clear position that the situation in Iraq is not conducive to return on a country-wide basis.

With regard to the EU Directives and minimum standards and on UNHCR's role in monitoring return on the EU border, the Directives recently adopted are really a minimum standard agreement and UNHCR sent a letter to the Irish Presidency to point this out. UNHCR will continue to advocate maintaining higher standards - and several countries would like to apply higher standards - but this creates a dilemma as it will not necessarily serve harmonization purposes. The EU will move towards a common asylum system based on a set of common institutions which will supervise the application of standards (cf EU prong). UNHCR issued commentaries on a number of Directives, specifically when they would deviate from international standards. UNHCR is also monitoring the transposition of these directives into national law, although there may be less transposition than anticipated.

On the question of the relevance of the 1951 Convention, this was reaffirmed by a ministerial declaration at the end of the Global Consultations. It remains the corner stone of the refugee protection, but is not solving all the problems, thus the Convention Plus process launched by the HC. With regard to the Palestinian refugees, UNHCR deals with them on an individual base. An increased advocacy effort is needed.

Conclusion(s):

UNHCR should continue its advocacy work and lobby for asylum system development in the EU which:

- Does not revert to governmental discretion;
- Promotes equity and burden/responsibility sharing between states;
- Strengthens the protection capacity in the border regions and neighbouring countries;
- Includes development in countries or regions of origin.

Working Sessions

9. Towards a Mediterranean Strategy

Moderator: Ed Schenkenberg, International Council of Voluntary Agencies

Speaker(s): Jean François Durieux, Head, Convention Plus Unit, UNHCR
Erika Feller, Director, Department of International Protection, UNHCR

Objective(s):

Concern is mounting over the tragic loss of life amongst migrants and asylum-seekers attempting to enter Europe via the maritime route across the Mediterranean Sea. This crisis has re-opened the discussion about the feasibility of interception at sea, which a few European politicians have combined with proposals regarding reception and/or processing in transit countries. Such proposals, as well as the factual and legal analyses underpinning them, appear to be short on protection considerations. On what basis should a co-operative approach to these issues be developed? What role is there for NGOs, as well as for UNHCR, advocacy-wise and/or operationally? The session aimed to engage in a dialogue between NGOs and UNHCR on current proposals and plans with regard to building transit/processing centres in North Africa with a view to developing a UNHCR/NGO policy position, or at least an understanding of each other's view points with regard to these proposals.

Intervention(s):

The Mediterranean approach touches upon several important protection issues:

- Interception and interdiction
- Multi-lateral cooperation and equitable responsibility sharing
- Definition of effective protection

It was suggested to replace "effective protection" with "quality protection". Other legal issues comprised:

- Law on state responsibility
- International Maritime Law governing rescue at sea

UNHCR shared information on the status of proposals by EU countries on how to develop and set up a Mediterranean system to keep refugees and migrants away from EU borders.

Discussion:

Participants suggested soliciting NGO input into the draft UNHCR guidelines on interception. There was discussion around the contents of a possible definition on "effective protection" – relates first and foremost to quality protection; the 1951 Refugee Convention serves as a starting point as it elaborates "the basic conditions" to stay, but does not clearly articulate who is responsible for the implementation of these rights. Another point raised related to the "undermining" impact of the EU proposals on the 1951 Refugee Convention and protection regime. With regard to UNHCR's policies and position on the issue, the "EU prong" is in its third revision, but still an internal document. The UNHCR paper that was submitted in the context of the "Bali process" (Indonesia-Australia) provides a good picture of UNHCR's thinking.

Conclusion(s):

There is close interdependence between UNHCR and the NGOs in the positions they each take in response to the "Schily et al" plans. Basic protection safeguards, including a possible definition of the term effective/quality protection, are essential in the formulation of any refugee protection regime. These safeguards find their basis in international refugee law, human rights law, the law on the responsibility of states, and international maritime law.

10. HIV/AIDS: Conflict and displaced persons

Moderator: Paul Spiegel, Technical Support Section, UNHCR

Speaker(s): Milton Amayun, World Vision International
Brenda Goddard, Protection Policy & Legal Advice Section, UNHCR
Julian Lambert, Department for International Development

Objective:

The session aims to expose NGO workers and others in the audience to key issues related to HIV/AIDS and forced migration, with an emphasis on refugees.

Intervention(s):

UNHCR:

- The 1951 Convention and relevant human rights provide the global legal framework for the protection of refugees.
- With regard to HIV/AIDS and refugee protection, the status of being a refugee should not be equated with an increased risk of HIV/AIDS. However, any special protection needs should be met.
- Refugees and asylum-seekers affected by HIV/AIDS should not be discriminated against, they should enjoy the right to seek and enjoy asylum, and should not be subject to restrictions based on their HIV status.
- UNHCR opposes mandatory testing of refugees and asylum-seekers as this is at variance with relevant human rights standards or could lead to their violation
- Any voluntary counselling and testing programmes should conform to international standards. Confidentiality must be respected and maintained.
- Access to durable solutions should not be affected by HIV/AIDS status.

World Vision International:

- Start HIV interventions immediately at onset of emergency
- As soon as possible, integrate activities with surrounding host populations and with other sectors

DFID:

- Endorse harmonization and three-ones: one national strategy; one National AIDS commission; and one monitoring and evaluation (M&E) system.
- Must address and fund HIV/AIDS at the onset of emergencies.
- Discussed IASC's guidelines for HIV/AIDS interventions in emergency settings.

Discussion:

- Good policies and plans but not always translate into action on the ground.
- Discussion of HIV epidemiology in conflict and refugee situation; many pre/misconceptions; it is contextual and each situation must be examined separately.
- Psychosocial issues are important; feelings of not having future should be addressed and community programmes implemented.
- Need for sub regional approach for HIV/AIDS protection and other interventions.
- Role of peer education and possibility of expanding this to antiretroviral treatment (ART).
- Targeting specific groups, such as young women and adolescents, needed.
- Partnering with private organizations needed.
- Refugees should have access to same interventions, including ART as surrounding host communities.

11. Security Management: From paper to practice

Moderator: Richard Floyer-Acland, Field Safety Section, UNHCR

Speaker(s): Joel McClellan, Steering Committee for Humanitarian Response
Michael O'Neill, Save the Children USA

Objective(s):

The session explored ways in which UNHCR and its partners can improve collaboration on security.

Intervention(s):

SCHR provided a summary of the process which led to the developments of the IASC “Menu of Options” and other collaborative initiatives (the paper element). Save the Children USA described various security collaboration initiatives which have actually been tried in the field.

Discussion:

Issues raised from participants included:

- a. Relationships with military forces and the preservation of “humanitarian space”.
- b. Information sharing protocols.
- c. Inclusion of implementing partners in Security and Evacuation Plans.

Conclusion(s):

The meeting welcomed the IASC process and encouraged agencies to become involved with the development of procedures for coordinating security planning.

12. IDP Protection: Putting theory to practice

Moderator: Jens-Hagen Eschenbächer, Global IDP Project, Norwegian Refugee Council

Speaker(s): Josephine Hutton, Oxfam GB (Liberia)

Rick Towle, Office of the Director, Department of International Protection, UNHCR

Marc Vincent, Office for the Coordination of Humanitarian Affairs

Objective(s):

The session will introduce the latest developments on the IASC policy and discuss the role of NGOs in operationalizing the policy at the field level.

Intervention(s):

- A revised IASC policy package on internal displaced was adopted last week.
- The policy will be sent out to RCs/HCs and will be included in training of HCs and heads of OCHA offices. It will also serve as a framework for IDD field missions.
- NGOs have been closely involved in the consultation process leading to the adoption of the package.
- NGOs are included in every step of the process outlined in the policy package.
- NGOs have a crucial role to play in implementing the policy package, including through:
 - dissemination of the policy
 - participation in inter-agency needs assessments
 - participation in strategy formulation process
 - monitoring implementation of the policy by UN Country Teams (watchdog function)
- Proper application of the IASC policy could help addressing challenges experienced at the field level, for example:
 - unclear responsibilities and lack of leadership in developing return and protection strategies
 - lack of inter-agency coordination
 - no proper inter-agency needs assessments at the outset of the process
 - no common action plans being developed early in the process
 - lack of agency commitment to protection
 - lack of senior, experienced staff deployed by agencies
- Policy paper reflects stronger agency commitment to addressing IDP issues, including by UNHCR:
 - High Commissioner sent out memo with clear message that IDPs are of concern to him
 - efforts to educate field staff on inter-agency planning process are underway

- more coherent set of criteria on when UNHCR gets involved in IDP issues are being developed
- internal UNHCR working group on IDPs in place
- Policy paper is a useful tool, and already resulted in the development of a comprehensive IDP strategy in Iraq, but needs to be actively promoted among relevant actors.

Discussion:

- It was noted that while strong leadership is needed, processes should still be inclusive to avoid decisions actually increasing the vulnerability of IDPs.
- It was noted that NGOs could contribute to better protection of IDPs by including a protection focus in their programmes.
- The importance of addressing the broader context of internal displacement situations was highlighted, including at the regional and sub regional level.
- The issue of lack of senior staff in the field was brought up, with UNHCR elaborating on its plans in this respect.
- Protection needs of IDPs in Sudan, including vulnerable groups such as women and children, were raised by one participant.

Conclusion(s):

- The revised IASC policy package is a useful tool that should be actively used by NGOs.
- NGOs have a crucial role to play in implementing the policy package and they should actively participate in all stages of the policy implementation process.

13. Detention: Unpacking the issue – looking at coalition building

Moderator: Mariette Grange, International Catholic Migration Commission

Speaker(s): Brenda Goddard, Protection Policy & Legal Advice Section, UNHCR
 Caroline Intrand, CIMADE
 Melanie Teff, Jesuit Refugee Service

Objective:

The inappropriate use of detention in the asylum context is an issue of concern to refugee advocates. A budding NGO coalition is emerging. The session informed participants about NGOs creating an international coalition to share information, research, and analysis on the issue of detention of refugees, asylum-seekers and migrants and to work in collaboration with UNHCR on detention cases. The session equipped participants with relevant international human rights and refugee norms and UNHCR guidelines and ExCom conclusions. It also shared experience in creating a European network and invited NGOs to a working session on the structure of the coalition.

Intervention(s):

According to NGO assessments, there is an increased use of detention in the asylum/migration context, which may go beyond the permissible grounds for detention and therefore should be challenged. The NGO panellists denounced the use of detention as a tool for migration management. The need to promote fair and humane standards in the exceptional circumstances where detention is required was endorsed. Lobbying efforts against the inappropriate use of detention should include advice to governments, legal briefs, and training.

Discussion:

Some participants raised particular country situations, such as Egypt, Tibetan refugees in Nepal, and possible construction of camps in Libya. Participants inquired about the legal recourse to be taken when detention centres are run by private contractors in breach of international human rights and refugee law. Participants also questioned the different legal regimes which apply with regard to the detention of asylum-seekers as compared to irregular migrants.

Conclusion(s):

Detention is a complex issue. It is widespread and takes many forms in different regions – from detention/retention centres in the West, to policy stations, airport transit zones and refugee camps. It is necessary for NGOs to work as a coalition on the issue of detention and to structure thinking, research and analysis. It is also necessary to work in partnership.

14. Gender and Age Mainstreaming: The experience in Jordan and Syria

Moderator: Christine Bloch, Jesuit Refugee Service

Speaker(s): Abdelhamid El Ouali, UNHCR Representative in Syria

Eva Abu Halaweh, MIZAN

Terry Morel, Chief, Women, Children, Community Development & Education Section, UNHCR

Laurent Raguin, Gender and Age Focal Point, CASWANAME Bureau

Objective:

The session aimed to examine the results and ongoing challenges of gender and age mainstreaming in urban settings in Jordan and Syria, and to have an exchange on leadership, ways to improve the process and collaboration among partners.

Intervention(s):

The pilot project is a key follow up activity on the three evaluations on community services, refugee women and children. Some of the initial results include greater interaction with refugee women, men, and children has led to more detailed knowledge of the refugee community and their protection concerns, which allowed identification of protection gaps and targeted actions to respond, fostered a stronger team approach, and heightened awareness on responding to children's rights, especially education. There was better use of partnership to tackle problems.

Main challenges highlighted include:

- The need for greater management buy-in and leadership, particularly in light of competing priorities;
- How to put refugees at the heart of decision-making;
- Investment in people requires time and resources;
- Revisiting protection strategies;
- Lack of understanding and common goals on gender and age issues;
- The need for pro-active NGO and donor leadership at a country level to promote gender and age mainstreaming in UNHCR operations.

The pilot projects in Jordan and Syria identified specific challenges, notably:

- Lack of ratification of the 1951 Convention and 1967 Protocol;
- Government policies towards refugees especially with regard to livelihood possibilities
- Unable to implement urban refugee policy which would lead to tremendous protection problems;
- Reaching out to those refugees who do not receive assistance;
- Acknowledgement by refugees that rape and domestic violence are protection problems;
- NGOs to take up cases against refugees they are supposed to protect.

A key outcome in both countries is that more systematic dialogue with refugees has proved key to strengthening protection in the region, particularly for women and children. Also, partnership between UNHCR and NGOs has changed and strengthened

Discussion:

Questions were raised on how to ensure the issues raised by refugees are representative of the whole community and that we are not listening only to the loudest and most organized amongst the refugees. Participants also questioned how to translate the identified activities into operational budgets for operations and what is meant by a community development approach. How to ensure

management and leadership buy-in to UNHCR, NGOs and government authorities? If situation analysis incorporates people oriented planning, why will it succeed better now than before? What we mean by gender and age mainstreaming and whether it has an added value in the protection of refugees? Whether we are talking about a new concept of protection or another approach to how we ensure protection? Whether this gender and age mainstreaming approach can be implemented in immediate emergency situations? How to evaluate and monitor the impact on protection of these pilot projects, especially with regard to improving the protection of refugee women and children? How to ensure accountability? How to change attitudes towards refugees from seeing them as passive recipients of assistance to seeing them as people with resources and capacities?

Conclusion(s):

The main conclusions comprised:

- Without a systematic dialogue with refugees, we will not be able to succeed in identifying protection problems and the best ways to address them.
- Such dialogue has to be based on an honest and frank relationship between UNHCR-NGOs and refugees, with a blank page when discussing with refugees to ensure that the protection risks and need identified are indeed the ones they consider important.
- Any process has to be based on a community-based approach. Mizan showed examples of what can be achieved with such an approach and building the capacities of refugees, for example through training on human rights, and through workshops to tackle delicate protection issues.
- Management and leadership buy-in needs to be reinforced in UNHCR and within the NGO community in order to get commitment to gender and age mainstreaming and the use of situation analysis and community development approaches in the identification of protection issues and how to respond to them.
- The current accountability framework needs to be complemented with standards for compliance on gender and age mainstreaming.
- Partnership between NGOs and UNHCR is key to achieving the above. It is necessary to further explore how this partnership can be developed; perhaps through a meeting between key NGOs involved in community development to discuss this on a leadership level.

15. Protection refugees through education

Moderator: Beverly Roberts, Inter-Agency Network on Education in Emergencies
Speaker(s): Christoph Bierwirth, Protection Policy & Legal Advice Section, UNHCR
 Tom Delrue, The Foundation for the Refugee Education Trust
 Beatrice Kangbai, Forum for African Women Educationalists
 Mohammed Touré, Protection Operations Support Section, UNHCR

Objective(s):

The session aimed to look at ways to integrate education into the international protection agenda and to expand the concept of protection to include protection from despair, from boredom, from futurelessness, from disorientation, from ignorance, and from waste of human resources.

Intervention(s):

The right to education is expressed in numerous human rights instruments and the full package should be used. Education is an empowerment right; it is not only a human right in itself, but also an indispensable means of realizing other human rights. Education is a tool for both physical and mental protection necessary for conveying key human rights and protection messages. Local communities and national NGOs should be used as key partners in education programmes to accurately address key protection issues.

Discussion:

Governments should take note of the importance of certification of refugees' academic achievements. The Interagency Network for Education in Emergencies (INEE) enables work to reach this end. There is a need to shift the concern towards education for youth and not just focus on primary education – join vocational training to basic education and open up education to older people. Refugees need to know their rights to education, particularly in resettlement situations (i.e. Egypt). The importance of secure schools was also noted, including school feeding, presence of women and counselling. Education is an empowerment right, i.e. it is necessary in order for the other rights to be allowed. School feeding can protect girls from exploitation. It is also a necessary prerequisite to learning.

Conclusion(s):

- Use all the instruments in the legal framework and not just the 1951 Convention to support the argument that every refugee has the right to education.
- Give more attention to life-long education and to education in post-conflict and repatriation areas. It can be life-saving and life-sustaining and education can protect the individual and society at all stages. Education is a necessity.
- NGOs are encouraged to explore collaboration with WFP for assessing the value of school feeding in particular situations.
- The Innovative Network for Strategic Partnership in Refugee Education (INSPIRE) should be used as a tool to enable local collaboration.

16. Protracted Refugee Situations: Solutions in light of refugee and human rights norms

Moderator: Margaret Piper, Refugee Council of Australia
Speaker(s): Larry Bottinick, Protection Operations Support Section, UNHCR
 Sajjad Malik, Reintegration & Local Settlement Section, UNHCR
 Merrill Smith, US Committee for Refugees

Objective(s):

There are nearly 40 protracted refugee situations around the globe. How are refugees treated in these situations? What solutions are feasible? What can be done to assist? The session aimed to look at solutions for protracted refugee situations in the light of refugee and human rights norms.

Intervention(s):

DIP defined “protracted refugee situations”, noting it was not a case of length of time but rather an inability to exercise basic rights and meet essential economic, social and psychological needs during years in exile. This leads to deprivation, physical insecurity and exploitation. It was indicated that the ways to address the problem include:

- Prevention – refugee participation and empowerment from the outset, focusing on refugees as an asset rather than a burden;
- Self-reliance activities – noting the need for donor support;
- Prompt promotion of durable solutions.

DIP noted that the refugee convention sets out key rights of refugees (freedom of movement, employment, education, etc.) but that often these are not respected in protracted refugee situations. Reference was made to IDPs, as they may similarly suffer from an extended limbo and the importance of registration of this group.

USCR spoke to the written paper from the agency that had just been tabled and stressed that currently the “system is broken”, with over 7 million warehoused refugees. It was stressed that refugee protection is an international responsibility and called on donor states to recognise the need to reimburse host states for the direct and indirect costs of hosting refugees.

RLSS noted that protracted situations result from political failures, neglect and the inequitable distribution of resources. It was noted that protracted refugee situations could be the “incubator for future problems” and argued that strategies should include:

- Promoting Self-reliance opportunities and removing the obstacles that prevent self reliance;
- Empowerment of women and youth;
- Having host governments include refugees on their development agendas;
- .Development assistance for refugees in the spirit of burden sharing and improved quality of life of refugees and hosts.

RLSS outlined UNHCR’s 2003 Framework for Durable Solutions in the context of Convention Plus and spoke about initiatives in Gabon, Serbia & Montenegro, Uganda and Zambia.

Discussion:

Problems in Africa due to:

- Governments seeing refugees as “temporary” leading to camps which lead to protracted refugee situations.
- Refugees seen as a burden and not an asset.
- Policies are not put in place from the outset to deal with refugees as “human beings with problems rather than human beings who are problems”.

Participants noted that when humanitarian agencies withdraw, national mainstream agencies often do not have the skills or capacity needed to work with refugees. UNHCR was called on to ensure the proper “handover strategies” are in place and that there is training for relevant government and civil society agencies. It was also noted that the impact (social, economic, environmental) of refugees on host communities has to be considered and that intervention measures must also target host communities.

It was argued that self-reliance strategies need not be seen as short cut to durable solutions but should be seen as an imperative in their own right in preparing population for durable solutions. The discussion noted that the “war on terror” has complicated the situation, especially affecting resettlement. A participant argued that the analysis given by speakers ignored the need to:

- Link interventions to the achievement of the Millennium Development Goals;
- Make a stronger connection between interventions and state security.

Conclusion(s):

The discussion was lively and there was an obvious feeling that there is still a lot more work that needs to be done on the issue of protracted situations. This would require concerted efforts of governments, UN, NGOs, civil society and donors.

17. Building NGO Capacities

Moderator: Mamadou Ndiaye, Office Africain pour le Développement et la Coopération

Speaker(s): Calvin Armstrong, British Refugee Council

Kayamba Tshitshi Ndouba, Comisión Española de Ayuda al Refugiado

Tarja Rantala, Ministry of Labour, Finland

Objective(s):

The session aimed to share experiences from some innovative capacity building initiatives from Central Europe.

Intervention(s):

Capacity building is defined as developmental work that strengthens the ability of RCOs and other groups to build their structures, systems, people and skills. The objectives of the capacity building initiatives are to better define and achieve their objectives, engage in consultations and planning, manage community projects, take part in partnerships and community enterprises, achieve sustainable development. RCOs represent a space in which refugees can share experiences and information. They provide a forum for maintaining cultural identity as well as support the solidarity networks. Due to the immediate proximity with their members RCOs provide a forum for collaboration between Governments, UNHCR, NGOs and refugees on programmes including legal, social and humanitarian aspects ensuring that the resources could be reached by beneficiaries. RCOs harness solidarity. The increasing requirement of refugee communities empowered to meet their own protection needs encourages to associate beneficiaries in the management and evaluation of the programs targeted to them. While ensuring proximity to beneficiaries RCOs face challenges in a form of lack of a minimum human and material resources for developing basic activities, lack of professionalism experience and management skills. The lack of collaboration with the other social movements of the civil society in order to learn from their experience and the incapacity to develop joint activities in the reception and integration programmes is seen as an obstacle.

Discussion:

Some obstacles in RCO work are:

- The lack of minimum human and available material resources for developing the basic activities.
- Life conditions. The long working day and the increasing need of social protection are reducing their availability time for collaborating in the RCO.
- The lack of professionalism, lack of experience, and finally the lack of training related to NGO management, the design, and the implementation of projects and social programs.
- The lack of language skills.
- Difficulties to access the forms and the social codes of citizen's participation.

One of the concerns is how to use and share information on capacity building among NGOs. There is a competition for funds between NGOs and refugee associations. Some NGOs have tendency to be considered as "refugee's spokesmen".

Conclusion(s):

The RCOs should work in the way to achieve a complete social participation for their members as citizen in the host country. The RCOs must take part in all pathways of social integration of their members articulating their activities beginning with giving information, support, interpretation and finally by developing social support networks for the refugee's employment. The basis for real capacity building is partnership and the use of the competences of the refugee associations. For successful operation it is necessary to understand the organization, engage in meaningful

consultation with authorities, diagnose problems, issues, develop an action plan, provide support, monitor progress, evaluate the exercise, and follow up on emerging issues. Where the capacity did not exist, it is essential for NGOs to participate in building the capacity of those refugee associations. Equality in the partnership is essential for the success of capacity building. Some tracks to promote and to strengthen RCOs are:

- Initiatives to enable RCOs, through training measures and mentoring in order to transfer advice skills and NGO managerial skills in the process of reception and refugee integration.
- A public support for a progressive establishment of national networks and platforms integrated by refugees associations to facilitate the interchange of experience, information and joint management of some national programs directed to the refugees.
- Measures and initiatives aiming a positive discrimination to facilitate access to funding and for giving them an opportunity to increase their project management skills and a progressive professionalism of their structures.
- Agreement with the UNHCR regional bureau or representation in order to promote a national council of refugees in the countries where there are not many RCOs to unify the representation of refugees in all the negotiations.
- Progressive incorporation in ECRE network having as priority joint activities with RCOs.

Plenary Session

18. NGO Perspectives

Moderator: Jamilah M. Datuk, MERCY Malaysia

Speaker(s): Jamal Krafess, Islamic Relief UK
Shigeru Suganami, Association of Medical Doctors of Asia

Objective(s):

The session aimed to share the perspectives of Asian and Middle East/Muslim NGOs on international humanitarian issues and to identify the challenges faced by these NGOs. The session also aimed to open up a forum for discussion on challenges of northern NGOs in working in Asia and the Middle East, and to encourage dialogue for partnership between northern and southern (Asian and Middle Eastern) NGOs.

Intervention(s):

Asian perspective:

Asian NGOs carry their Asian values in the field. Basis of humanitarian action – friendship, mutual assistance, building peace, employing local initiative and community-based. Partnership involves working in times of adversity. Partnership requires trust and mutual respect in order to succeed. Asian NGOs though small in number and capacity in comparison with northern NGOs, may be a force to be reckoned with in future.

Middle East perspective:

Humanitarianism or charity is an obligation in Islam. Many organizations in the Middle East are becoming more professional and prominent. Yet, many Muslim charities face challenges and placed in the same category as “terrorist-based” or “terrorist funded”. Middle Eastern NGOs have an important and vital role in today’s climate of work where the majority of complex disasters occur in the Muslim world.

Discussion:

Many Muslim-based NGOs concurred with the perspective from the Middle East and reiterated the need to address problems faced in terms of funding – operations and security. Northern or Western NGOs must appreciate values of Asian and Middle Eastern communities in which they operate and should acknowledge that they will face greater challenges working in such countries. Proselytizing is an issue with all faith-based NGOs, albeit Christian, Islamic, etc. There must be a clear distinction and humanitarian aid should not be on a basis of proselytizing. Southern NGOs must communicate better with northern NGOs. Dialogue is necessary and partnership is beneficiary.

Conclusion(s):

Asian and Middle Eastern, and indeed southern NGOs in general, are different from northern NGOs. There is a need for good communication and partnership within these groups. Greater challenges are predicted in the future humanitarian scene especially security, suspicion and the potential risk of the “clash of civilisations”. Above all, the three principles of humanitarianism, i.e. impartiality, neutrality and independence, must always be upheld; the dignity and welfare of the beneficiaries need to be given priority at all times.

Linkage to ExCom

21. Summary wrap-up on the proceeding of the 2004 Annual Consultations with NGOs

Moderator: Laura Joyce, Permanent Mission of South Africa & Rapporteur for the ExCom Bureau

Rapporteur: Mamadou Ndiaye, Office Africain pour le Développement et la Coopération

Laura Joyce welcomed the ExCom members present and expressed how deeply honoured she was to have worked so closely with the NGOs during the past year in her capacity as the Rapporteur for the ExCom Bureau. She appraised the work of NGOs to help UNHCR achieve its mandate. She acknowledged the efforts to broaden NGO participation in UNHCR’s governing body and, whilst disappointed the goal was not achieved, she was optimistic about the outcome when the issue is revisited in two years.

Mamadou Ndiaye summarised the proceedings of the Annual Consultations with NGOs at which 300 delegates from 220 organizations representing 80 countries participated. There was also more participation from southern NGOs. A total of 29 meetings (5 regional sessions, 9 working sessions, and 15 side meetings) were organized in two and one-half days. The regional sessions provided an update, through a frank dialogue, on challenges, concerns and problems in the regions. The working sessions gave the opportunity for NGOs to ask questions, share information and consider common actions or future projects. Highlights from the sessions included:

- ◆ Quality protection of refugees remains a collective preoccupation. Dialogue with refugees is a necessity to identify protection problems and to determine the best methods of assistance. Participants insisted on the voluntary nature of return for refugees in repatriations operations and emphasised the need for satisfactory conditions in return areas in order to facilitate refugee reintegration. The IDP question remains a concern in terms of protection, mandate and responsibility.
- ◆ Views were exchanged on the attempts by European countries to establish asylum centres for persons seeking asylum in a third country. Such moves are considered as a step backwards in the application of the 1951 Refugee Convention and States’ engagement in its implementation. Similarly, today detention is used as a tool to control immigration, and is an important concern. NGOs are considering establishing a coalition of refugee advocates in order to better address the problem.
- ◆ Education and gender and age mainstreaming require collaboration between partners in order to ensure quality service and that they are mainstreamed. Education is an important tool in refugee protection and for the community as a whole. Particular attention should be given to repatriation programmes and post-conflict situations. At the same time, the experiences from Jordan and Syria highlight the need for better attention to be paid to urban settings.
- ◆ Partnership is not yet imbedded in the organizational culture despite the progress made in relations between NGOs and UNHCR. Capacity building is essential to maintain a quality service. Capacity building activities should include NGO partners as well as the refugee community. The recognition of refugee competencies is a necessity for better reintegration.

- ◆ Many sessions raised concern regarding the limited resources available to UNHCR to ensure refugee protection. UNHCR's planning should be based on the needs of refugees rather than available resources in order to ensure the quality protection of refugees.
- ◆ Security is and will remain a great concern for all in the coming years. The militarization and politicisation of humanitarian action is not helping the security of humanitarian actors. In a changing world, UNHCR and NGOs must find ways to keep their respective personalities so as not to enter into the political game which risks weakening humanitarian action. It was acknowledged that maintaining dependence is also linked to an agency's financial health.
- ◆ The last session focused on National NGO Perspectives working in the international humanitarian scene, which recognised the conflict between Western and local values in humanitarian action. The best approach is to consider the local values.

Overall the quality of NGO participation was noted as well as the participation and availability of UNHCR staff. The sessions were lively with a lot of exchange between participants. The agenda did not allow all issues of concern to NGOs to be taken into account. Some participants found that the time allocated to the sessions was insufficient. Nevertheless, the agenda allowed for a lot of free time which gave the NGOs the opportunity to organise informal meetings in order to discuss issues more in depth or not covered by the agenda.

Due to time constraints, only one intervention was made from member States. The USA emphasized that NGOs can complement UNHCR's budget in order to fully meet operational needs. The USA also expressed its disappointment regarding the negative outcome to broaden NGO participation in ExCom. Interventions from NGOs highlighted the need to develop a strategic plan to work with refugee community organizations and build the capacity of national NGOs.

The Rapporteur to the Annual Consultations with NGOs formally briefed member States during ExCom on Thursday afternoon, 7 October. The French text is at Annex VI. The NGOs also made several formal statements to ExCom, which are annexed to this report.

Closing Address

22. Ruud Lubbers, UN High Commissioner for Refugees

Ed Schenkenberg introduced the High Commissioner and welcomed him to the Annual Consultations with NGOs. He thanked him for taking the time to speak, noting that Mr Lubbers has just returned from Eastern Chad and Darfur, and assured him that the NGOs looked forward to hearing his remarks.

The High Commissioner was pleased to see that the number of participants has grown steadily. He noted the increased presence of Islamic NGOs and emphasised the need to engage with the Islamic world, particularly since the majority of persons of concern to UNHCR originate from there. Throughout the year, UNHCR has taken steps to strengthen its partnerships. These have been particularly important in:

- ◆ Protection: A recent directive from the High Commissioner to managers highlights the importance of, and urges regular dialogue and cooperation with, NGO partners. Also, a Protection Learning Programme for NGOs is in the final stages of its pilot phase.
- ◆ Resource allocation: Representatives are urged to consult with partners during the budgeting process to prioritize operational objectives and maximize all available resources. Through UNHCR's own expertise and planning, the organization attempts to capture all needs, but it relies also on partners to meet these.
- ◆ Security: In the increasingly high-risk environment shared by all humanitarian staff, it is a common challenge to find a way to operate in a safe way. We are dependent on training and good policy choices being made in the field. UNHCR has consulted with NGOs in a review of security procedures. The High Commissioner commented on integrated missions and queried our relations with those involved in ceasefire negotiations. He acknowledged that DPKO is the

fastest growing branch of the UN. On a positive note, the High Commissioner welcomed the news of the liberation of the 'two Simonas' in Baghdad.

The High Commissioner shared some of his observations from his recent mission to Chad and Darfur. He described the operation in Chad to be in a mature phase and acknowledged the burden it represents for the local population and the environment. It is therefore necessary to be inclusive so that locals have access to the same assistance as the refugees. Darfur has suffered from a slow response by the international community. There are many internally displaced persons (IDPs) afraid to leave the camps for fear of rape, killing, abduction, etc. UNHCR has mobile protection teams to register and monitor incidents reported as well as to rebuild the trust of the local population. It is necessary to create a safe environment in the camps in order to encourage victims to talk. The High Commissioner was pleased that ICVA, for the first time ever, officially requested member NGOs to assist in the emergency and for a greater number to become operational.

NGOs asked questions on protracted situations, repatriation, the Mediterranean strategy and detention, partnership and the assessment of refugee and IDP return to Darfur.

Annexes

- I. Programme of the Annual Consultations with Non-Governmental Organizations**
- II. List of Participants by Organization**
- III. Meetings in the Margins of the NGO Consultations**
- IV. Présentation du rapport des Consultations Annuelles avec les ONG au Comité Exécutif**
- V. 55th Session of ExCom – Statement of NGOs to the General Debate**
- VI. 55th Session of ExCom – Statement of NGOs on International Protection**
- VII. 55th Session of ExCom – Statement of NGOs on the Working Methods of the Executive Committee**
- VIII. 55th Session of ExCom – Statement of NGOs on Evaluation and Inspection Activities**
- IX. HC's Forum – Addressing Irregular Secondary Movements of Refugees and Asylum-Seekers**
- X. HC's Forum – Comprehensive Approaches to Durable Solutions**
- XI. HC's Forum – Targeting Development Assistance to Achieve Durable Solutions**

Annex I

**Programme of the
Annual Consultations with Non-Governmental Organizations
28 – 30 September 2004
Palais des Nations, Geneva, Switzerland**

Tuesday, 28 September 2004

15h00 – 15h40 Plenary Session (interpretation English-French-Spanish)

Room XVII *Welcome from*

Craig Sanders, Coordinator, NGO Liaison Unit, UNHCR
Ed Schenkenberg, Coordinator, International Council of Voluntary Agencies

15h40 – 16h20 Plenary Session (interpretation English-French-Spanish)

Room XVII *Opening Address by*

Kamel Morjane, Assistant High Commissioner for Refugees

16h30 – 18h00 Regional Sessions

Room XXI *Central Asia, South West Asia, North Africa & the Middle East Bureau*

(Interpretation: Arabic-English-French-Spanish)
Discuss operational challenges and achievements with the Director of the Bureau.

Moderator: Damaso Feci, INTERSOS

Speaker(s): Ekber Menemencioglu, Director, UNHCR *joined by:*

Anna Maria Deutschlander, Legal Officer, Iraq Support Unit
Emmanuel Gignac, Senior Desk Officer, Iraq Support Unit
Salvatore Lombardo, Head of Afghan Comprehensive Solutions Unit
Monique Malha, Senior Legal Officer
Radhouane Nouicer, Deputy Director (North Africa and the Middle East)
Frank Remus, acting Head of Desk (Central and South West Asia)

Room XXIV *Asia and the Pacific Bureau*

(Interpretation: English-French-Spanish)
Discuss operational challenges and achievements with the Director of the Bureau.

Moderator: Rajeev Dhavan, Public Interest Legal Support & Research Centre

Speaker(s): Janet Lim, Director, UNHCR *joined by:*

Catherine Huck, Head of Desk I, UNHCR
Hiro Mori, Head of Desk II, UNHCR

18h30 Reception – Restaurant "Vieux Bois" (Entrance to the UN opposite ICRC building)

Wednesday, 29 September 2004

10h00 – 11h20 Regional Sessions

Room XXI *Africa Bureau*

(Interpretation: Arabic-English-French-Spanish)
Discuss operational challenges and achievements with the Director of the Bureau.

Moderator: Terry Ishabairu, Tanganyika Christian Refugee Service

Speaker(s): David Lambo, Director, UNHCR *joined by:*

David Kapyra, Deputy Director, Sudan Operation, UNHCR

Room XXIV Americas Bureau

(Interpretation: English-French-Spanish)

Discuss operational challenges and achievements with the Director of the Bureau.

Moderator: Mahmoud Sayani, FOCUS Humanitarian Assistance

Speaker(s): Hope Hanlan, Director, UNHCR *joined by:*

Manuel Jordao, Senior Protection Officer, UNHCR

Jozef Merkx, Senior Desk Officer, Desk II, UNHCR

Peter Wijninga, Senior Desk Officer, Desk I, UNHCR

Room XXV Europe Bureau

(Interpretation: English-French-Russian-Spanish)

Discuss operational challenges and achievement with the Director of the Bureau.

Moderator: Andras Kovats, Menedék – Hungarian Association for Migrants

Speaker(s): Raymond Hall, Director, UNHCR *joined by:*

Oluseyi Bajulaiye, Deputy Director (Western and Central Europe), UNHCR

Robert Robinson, Deputy Director (Eastern Europe), UNHCR

11h30 – 13h00 Working Sessions (interpretation: English-French-Spanish)

Room XXI Towards a Mediterranean Strategy

Concern is mounting over the tragic loss of life amongst migrants and asylum-seekers attempting to enter Europe via the maritime route across the Mediterranean Sea. This crisis has re-opened the discussion about the feasibility of interception at sea, which a few European politicians have combined with proposals regarding reception and/or processing in transit countries. Such proposals, as well as the factual and legal analyses underpinning them, appear to be short on protection considerations. On what bases should a co-operative approach to these issues be developed? What role is there for NGOs, as well as for UNHCR, advocacy-wise and/or operationally?

Moderator: Ed Schenkenberg, International Council of Voluntary Agencies

Speaker(s): Jean-François Durieux, Head, Convention Plus Unit, UNHCR

Erika Feller, Director, Department of International Protection, UNHCR

Room XXIV HIV/AIDS: Conflict and displaced persons

The session aims to expose NGO workers and others in the audience to key issues relating to HIV/AIDS and forced migration, with an emphasis on refugees.

Moderator: Paul Spiegel, Technical Support Section, UNHCR

Speaker(s): Milton Amayun, World Vision International

Brenda Goddard, Protection Policy & Legal Advice Section, UNHCR

Julian Lambert, Department for International Development

Room XXV Security Management: From paper to practice

The session will introduce some models for security coordination between agencies, and discuss how they actually work out in the experience of humanitarian agencies working in a variety of difficult environments.

Moderator: Richard Floyer-Acland, Field Safety Section, UNHCR

Speaker(s): Joel McClellan, Steering Committee for Humanitarian Response

Michael O'Neill, InterAction

13h00 – 15h00 Lunch

15h00 – 16h20 Working Sessions (interpretation: English-French-Spanish)

Room XXI IDP Protection: Putting theory to practice

The session will introduce the latest developments on the IASC policy and discuss the role of NGOs in operationalizing the policy at the field level.

Moderator: Jens-Hagen Eschenbächer, Global IDP Project, Norwegian Refugee Council

Speaker(s): Josephine Hutton, Oxfam GB (Liberia)

Rick Towle, Office of the Director, Department of International Protection, UNHCR

Marc Vincent, Office for the Coordination of Humanitarian Affairs

Room XXIV Detention: Unpacking the issue – looking at coalition building

The inappropriate use of detention in the asylum context is an issue of concern to refugee advocates. A budding NGO coalition is emerging. Some of the NGOs involved will share information on detention practices; explore work in coalition to address the growing use of detention and describe existing experiences; and explain why they want to denounce the use of detention as a tool for migration management; and promote fair and humane standards in those narrow circumstances where detention may be required. UNHCR's policy and activities concerning the detention of asylum-seekers will be presented.

Moderator: Mariette Grange, International Catholic Migration Commission

Speaker(s): Brenda Goddard, Protection Policy & Legal Advice Section, UNHCR

Caroline Inrand, CIMADE

Melanie Teff, Jesuit Refugee Service

Room XXV Gender and Age Mainstreaming: The experience in Jordan and Syria

Results and ongoing challenges of gender and age mainstreaming in urban settings. An exchange on leadership, ways to improve the process and collaboration among partners.

Moderator: Christine Bloch, Jesuit Refugee Service

Speaker(s): Abdelhamid El Ouali, UNHCR Representative in Syria

Eva Abu Halaweh, MIZAN

Terry Morel, Chief, Women, Children, Community Dev. & Education Section, UNHCR

Laurent Raguin, Gender & Age Focal Point, CASWANAME Bureau, UNHCR

16h30 – 18h00 Working Sessions (interpretation: English-French-Spanish)

Room XXI Protecting refugees through education

The session will highlight education as a basic human right and will show case field experiences and practices that would illustrate how education impacts on the protection of the people concerned and on sustainable development. Partnership is key to fulfilling the right to education and INSPIRE (Innovative and Strategic Partnership In Refugee Education), which is an interagency initiative, will serve as a catalyst to accelerate this process.

Moderator: Beverly Roberts, Inter-Agency Network on Education in Emergencies

Speaker(s): Christoph Bierwirth, Protection Policy & Legal Advice Section, UNHCR

Tom Delrue, The Foundation for the Refugee Education Trust

Beatrice Kangbai, Forum for African Women Educationalists

Room XXIV Protracted Refugee Situations: Solutions in light of refugee and human rights norms

There are nearly 40 protracted refugee situations around the globe. How are refugees treated in these situations? What solutions are feasible? What can be done to assist?

Moderator: Margaret Piper, Refugee Council of Australia

Speaker(s): Walpurga Englbrecht, Protection Policy & Legal Advice Section, UNHCR

Sajjad Malik, Reintegration & Local Settlement Section, UNHCR

Merrill Smith, US Committee for Refugees

Room XXV Building NGO Capacities

A session which aims to share the experiences from some innovative capacity building

initiatives from Central Europe.

Moderator: Mamadou Ndiaye, Office Africain pour le Développement et la Coopération
Speaker(s): Calvin Armstrong, British Refugee Council
Kayamba Tshitshi Ndouba, Comisión Española de Ayuda al Refugiado
Tarja Rantala, Ministry of Labour, Finland

Thursday, 30 September 2004

10h00 – 11h20 **Plenary Session** (interpretation English-French-Spanish)

Room XVII *NGO Perspectives*

National NGOs in the international humanitarian scene – a perception from Asia and the Middle East.

Moderator: Jamilah M. Datuk, MERCY Malaysia
Speaker(s): Jamal Krafess, Islamic Relief UK
Shigeru Suganami, Association of Medical Doctors of Asia

11h30 – 12h30 **Plenary Session** (interpretation English-French-Spanish)

Room XVII *Linkage to ExCom*

Summary wrap-up on the proceedings of the 2004 Annual Consultations with NGOs

Moderator: Laura Joyce, Permanent Mission of South Africa, Rapporteur for the ExCom Bureau
Rapporteur: Mamadou Ndiaye, Office Africain pour le Développement et la Coopération

12h30 – 13h00 **Plenary Session** (interpretation English-French-Spanish)

Room XVII *Closing Address by*

Ruud Lubbers, UN High Commissioner for Refugees

Annex II

List of Participants by Organization

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