

57TH SESSION OF THE EXECUTIVE COMMITTEE

Report on the Annual Consultations with Non-Governmental Organizations

27– 29 September 2006

Palais des Nations – Geneva, Switzerland

Abstract

This report provides highlights of the Annual Consultations with NGOs, which this year brought together some 329 representatives of 166 national and international NGOs, UN, and international organizations from 72 countries.

UNHCR's Assistant High Commissioner for Operations opened the Consultations. Structured around four broad themes – Durable Solutions; the UN Reform; ExCom Conclusions; and the Asylum-Migration Nexus – the forum featured twelve Working Sessions and five Regional Sessions with the active involvement of some 83 resource persons from NGOs, academia, member states, and international and UN organizations. These Consultations also provided the space for eight side-meetings organized by participating NGOs. The sessions addressed many of the complex issues at the core of refugee protection, as well as issues faced in the response to IDP situations and migration. The sessions adopted a round-table format to promote greater dialogue and contact among participants. The reports of each session were prepared by the moderators with the aim to capture the main points of discussion and any conclusions reached.

A working session was held in plenary on the last day to explore the asylum-migration nexus from a regional perspective. This was followed by the closing address from the High Commissioner. The Chair of UNHCR's Executive Committee participated in a 'linkage' session to promote more dialogue among NGOs, ExCom members and UNHCR, and included a summary wrap-up report from the Rapporteur of the NGO Consultations followed by a short intervention from the Rapporteur of the Executive Committee.

Included in annex to this report are the Annual Consultations agenda, a list of participants, a list of side-meetings held during the Consultations, the opening address by the Assistant High Commissioner for Operations, and the High Commissioner's opening statement and the NGO statements delivered to the 57th Session of ExCom. This full report may also be accessed at www.unhcr.org and www.icva.ch.

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

Africa & Middle-East Refugee Assistance • Asociacion Comision Catolica Espanola de Migraci n • Asociacion de Mujeres en Situacion de Desplazamiento Forzado yo Mujer • Association for the Prevention of Torture • Austcare • CARITAS Arquidiocesana do Rio de Janeiro • Christian Children's Fund • Danish Refugee Council • InterAction • International Catholic Migration Commission • International Council of Voluntary Agencies • International Detention Coalition • International Rescue Committee • Jesuit Refugee Service • Lutheran World Federation • Médecins Sans Frontières • Ministry of State for Relief and Disaster Preparedness in Uganda • National Council of Churches in Australia • Norwegian Refugee Council • Office Africain pour le Développement et la Coopération • Office of the Coordinator for Humanitarian Affairs • Office of the High Commissioner for Human Rights • Open Society Justice Initiative • Oxfam • Permanent Mission of Japan • Permanent Mission of Sweden • Portuguese Refugee Council • Refugee Council USA • Refugee Law Project • Save the Children • School of Oriental and African Studies • Secours Catholique et Développement • Tufts University • UNICEF • UNSW Australia and Asian Women's Human Rights Council • US Committee for Refugees and Immigrants • Women's Commission for Refugee Women & Children • World Council of Churches • World Vision International

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Acknowledgements

Warm thanks to the many colleagues who contributed their ideas and actively and constructively engaged in the 2006 Annual Consultations with NGOs, with special thanks to:

- The some 83 persons from approximately 39 organizations who served as speakers, moderators and resource persons;
- Christine Bloch, Rapporteur for the Annual Consultations with NGOs, Ann Blomberg, Rapporteur for the ExCom Bureau, and Ambassador Fujisaki, Chair of ExCom, for their valuable efforts in linking the NGO consultations with ExCom;
- The International Council of Voluntary Agencies for their support and assistance throughout both the Consultations with NGOs and ExCom; and
- The following NGO colleagues who assisted UNHCR's NGO Liaison Unit in planning this year's Annual Consultations with NGOs:

Christine Bloch, JRS
Greg Brown, IRC
Roberta Cecchetti, Save the Children
Alliance
Elizabeth Ferris, WCC
Tom Getman, WVI

Mamadou Ndiaye, OFADEC
Veronika Martin, InterAction
Elisabeth Rasmusson, NRC
Ed Schenkenberg, ICVA
Manisha Thomas, ICVA
Emmanuel Tronc, MSF Int.

Photos:

Front Cover: UNHCR/F. Schjander/1976 – Algeria/Sahrawi
Back Cover: UNHCR/A. Branthwaite/2006 - Syria

Introduction

In the week preceding the 57th Session of the Executive Committee to the High Commissioner's Programme, UNHCR held its Annual Consultations with Non-Governmental Organizations from 27 to 29 September 2006 in Geneva. The Consultations were attended by some 329 representatives of 166 agencies (NGOs, international organizations and UN) from 72 countries. This report provides a summary of the sessions held during the Annual Consultations. The statements made by NGOs and UNHCR's High Commissioner at the Executive Committee are also annexed to the report, as well as the opening address from UNHCR's Assistant High Commissioner for Operations.

Welcome to the 2006 Annual Consultations with NGOs

2. Nicholas Coussidis, Head, NGO Liaison Unit, UNHCR

Nicholas Coussidis welcomed everyone to the 2006 UNHCR-NGO consultations. He indicated that 2006 is also the 30th anniversary since the establishment of the NGO Liaison Unit and that a lot of things have happened since then and, no doubt, NGO-UNHCR cooperation will continue for many years to come. He acknowledged the large turnout, noting it as an indication of the importance that NGOs and UNHCR place on the Annual Consultations. At the same time, it places increased obligation on NGOs and UNHCR to ensure that this partnership progresses effectively, is action-oriented and focused on quality. He confirmed that UNHCR is committed to enhancing the cooperation and use of partners in all steps of its activities and that UNHCR is determined to improve the management of its operations. Collective efforts must be focused on the Field, where the refugees, internally-displaced persons and other persons of concern need to be protected and assisted. As no-one is perfect, it is imperative that UNHCR and NGOs work together in mutual respect and transparent dialogue. He called on participants' views and ideas to move the process forward.

Focusing on the agenda, he described the agenda as diverse and covering the important issues of concern to everyone. Following a thematic approach with four themes – Durable solutions; the UN reform; ExCom conclusions; and the Asylum-migration nexus – the agenda was built on suggestions from the NGOs. He thanked his colleagues in the NGO Liaison Unit and ICVA for the hard work to organize these consultations and wished everyone a successful and constructive 3-day forum.

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

Ed Schenkenberg also welcomed the NGOs to the Annual Consultations and looked forward to fruitful discussions in the coming days. He asked how the participants thought that this meeting would influence and impact on their work when back at their desks. He explained his expectations of the meeting, which were related to the discussion on UNHCR's expanded responsibilities vis-à-vis IDPs and its future organizational vision with regard to these responsibilities. He highlighted that NGOs are supporters of UNHCR's work with perspective and not with attitude. Joint advocacy and partnership have the greatest impact at the Field level. Therefore, broadening the dialogue at a strategic level is central to the thinking of humanitarian agencies.

3. Nick Van Praag, Director, Division of External Relations, UNHCR

Nick Van Praag warmly welcomed participants to the Annual Consultations and was particularly pleased to be able to meet with a large number of NGO representatives. Since taking up the position as the Director of Division of External Relations early this month, he had an opportunity to meet with some NGO representatives, which allowed for a frank exchange of views concerning the partnership between UNHCR and NGOs.

He highlighted that in the past years, UNHCR's partnership with NGOs continued to move beyond the traditional implementing arrangements to a more comprehensive collaboration, from the assessment and planning stages through to implementation and evaluation. At the Headquarters level, NGOs worked with UNHCR in revising various guidelines and policies. He was also very pleased to note that NGO participation has increased in the work of ExCom through their contributions to the drafting of ExCom decisions and conclusions and through NGO participation in the ExCom Chairperson's annual mission to the field. He believed that such partnerships should be developed further and strengthened not only at the Headquarters level but especially in the Field, where joint advocacy and operational endeavours should bring maximum results, with two way communications and regular dialogue.

UNHCR has been actively involved in the work of the Inter-Agency Standing Committee (IASC) to improve the protection and assistance of internally displaced persons (IDPs), which he emphasised as one of the areas which required reinvigorating UNHCR-NGO partnerships. He cited an example of Memorandum of Understanding UNHCR signed with the Norwegian Refugee Council in May 2006 with a view to facilitating cooperation in the delivery of protection in IDP operations. Broadening the dialogue and cooperation with NGOs at a more strategic level is high on UNHCR's agenda as the comprehensive strategy in dealing with humanitarian emergencies cannot be developed without dialogue and greater engagement of NGOs.

He concluded by expressing UNHCR's sincere gratitude to all the NGOs, who continue to support UNHCR's work in often challenging situations, both physically and financially. He confirmed that NGOs are crucial to the fulfilment of UNHCR's mandate and to its role with others of concern. He committed himself to doing his best to strengthen UNHCR's partnership approach and looked forward to working with NGOs towards this goal.

Opening Address

4. Judy Cheng-Hopkins, UNHCR's Assistant High Commissioner for Operations

Describing the NGOs as UNHCR's vital and valued partners, Judy Cheng-Hopkins expressed her pleasure to open the 2006 Annual Consultations with NGOs. She welcomed the rich and varied experience that NGOs bring to the consultations, which is necessary to strategize to better delivering protection and finding solutions for refugees and others forcibly displaced. She focused on three key issues, which form the core of much of what UNHCR does and how it is judged by the international community.

Emergency response

Using Lebanon as an example, Ms Cheng-Hopkins highlighted how assistance is delivered despite the constraints in gaining humanitarian access to areas where refugees and IDPs are found due to the prevailing conflict and security situations which led to their displacement in the first place. NGOs play a significant role in enhancing UNHCR's emergency response through the several standby arrangements established over the years. UNHCR is aiming to bring its emergency response capacity up to a level which enables the organization respond to an emergency of up to 500,000 persons. This includes having an enhanced capacity to plan strategically and a supply chain integrated into operations as well as adequate delegation of authority.

Internally Displaced Persons

The cluster approach is proving to be a valuable means to share information, provide clarity in coordination and build consensus around proposed activities. A primary focus of UNHCR's work in cluster roll-out countries is to strengthen its relationships with NGOs and other humanitarian partners. Whilst acknowledging the misgivings voiced by many NGOs about the cluster approach, she welcomed their probing of the true value added of the approach, which will go towards improving the system and making it work. For the time being, UNHCR's involvement with the

cluster approach has evolved around the roll-out countries (DRC, Liberia, Somalia, and Uganda); Ms Cheng-Hopkins stressed the importance and centrality of UNHCR's work with IDPs in Colombia, East Timor, Georgia, Nepal and Sudan where partnerships and collaboration with NGOs is being reinforced. UNHCR's involvement with IDPs requires a changed profile of managers within the organization who are able to coordinate and lead, and not just "do". Training programmes are being adapted to provide staff with these skills.

Protracted situations

According to UNHCR statistics, over 5 million refugees remain in more than 20 protracted situations around the world. Giving Nepal, Thailand and South Sudan as examples, she highlighted the promising indications to solving these situations. She also cited the number of voluntary repatriation operations underway in Africa. Some have matured to the point where discussions have been initiated with concerned governments on the local integration of refugees opting to remain in asylum countries, such as in Angola, Guinea and Sierra Leone.

In closing, Ms Cheng-Hopkins commended the steadfast dedication demonstrated by colleagues in bringing protection to those in need. She thanked the NGOs for their unwavering support over the years, which is indispensable for UNHCR to be an effective organization.

Comments and questions from NGOs included repatriation as not the only means to solving protracted situations, ensuring vulnerable refugees that do not have high integration possibilities are not left without resettlement, strengthening the capacity of indigenous NGOs particularly in the context of the cluster approach to IDP situations, UNHCR's monitoring role to uphold the convention in situations where refugees being forced to return to areas that are unsafe, the possibility of national NGOs being advocates for returnees and the call for a Special Rapporteur for Refugees.

The full text of Ms Cheng-Hopkins' intervention is annexed to this report.

Regional Sessions

5. Europe Bureau

Moderator: Manisha Thomas, International Council of Voluntary Agencies

Speaker(s): Pirkko Kourula, Director, UNHCR *joined by:*

Udo Janz, Deputy Director (Eastern Europe and the Balkans)

Guy Ouellet, Deputy Director (Western and Central Europe)

Bo Schack, Head, Policy Unit

Objective:

The regional session discussed the Bureau's priorities and strategies in relation to Western and Central Europe and encouraged an exchange of views and strategies in relation to the North Caucasus, South Caucasus and the Balkans. The session also addressed expanding strategic partnerships.

Intervention(s):

The Director highlighted the challenges in Europe to be tackled:

1. Preserving asylum and access to asylum, particularly in the context of mixed flows;
2. Combating rising intolerance in Europe;
3. Finding solutions to internal displacement; and
4. Expanding strategic partnerships.

Little distinction is made by the public between refugees and other persons in need of international protection, asylum-seekers and migrants. The Office has developed a Ten Point Plan providing UNHCR's ideas and visions on how to respond to the number of situations involving mixed flows of migrants and asylum-seekers. Based on this global plan, the Bureau has prepared a chart to tailor activities to Europe. Integration is a major challenge. States have to reconcile their

legitimate concerns to control their borders and combat illegal migration with their obligations to recognize and provide protection to refugees.

Regional overview:

The regionalisation of UNHCR offices is continuing. The Bureau is currently working on building capacity in Belarus, Moldova and the Ukraine. UNHCR continues to be involved in the Cross Border Cooperation Process, which has evolved into an important mechanism for bilateral and multilateral networking and cooperation amongst the ten participating states.

UNHCR is in close contact with SG Special Envoy Ahtisaari in Kosovo who is preparing his report on the status talks. UNHCR will close field offices in the Balkans in July 2007 and plans to pass the work onto NGOs and development actors as the humanitarian phase is over. An office will also be established in Grozny in the Russian Federation in order to better assess and respond to the needs of IDPs. In Georgia, UNHCR is helping the government put together an IDP plan.

Discussion:

Main discussion points:

- Seen progress in Lampedusa since last year, but what seems to be occurring is bilateral efforts by Italians to put police on Libyan shores to prevent movement. "Rescue" at high seas and patrols with joint flags are very complex. Frontex is growing and becoming more prominent on borders.
- There is more emphasis on border management than on improving asylum systems by States. UNHCR wants to help strengthen asylum systems and border management. For example, Turkey appreciates the training given by UNHCR to border officials.
- There is a need to seek durable solutions for those rescued at sea. For example, 51 persons who were rescued in a boat off the coast of Malta, all had durable solutions found; however they were lucky.
- Status determination, or lack thereof, for Iraqi persons is a big issue.
- UNHCR is working with Turkey to drop its reservations on the 1951 Convention and strengthen its asylum system. NGOs are key to this effort.
- The Swiss law on asylum is to be implemented in phases, and it is necessary to work together to ensure that it is implemented in line with the 1951 Convention and its legal obligations.
- There are clearer objectives and indicators to work on statelessness in 2007-2009 plans.
- Preparedness measures are needed with regard to Kosovo in view of the outcome of the status talks. This is important because the 250,000 IDPs could become refugees overnight.

Conclusion(s):

- Need for the Department of International Protection Services (DIPS) to change policy towards the determination of Iraqi persons.
- UNHCR and NGOs need to work together to help convince the Swiss authorities that implementation of recent laws around asylum should uphold the 1951 Convention and their international obligations.
- Need for support for Turkish NGOs to help the development of the asylum system.
- Need to work together in terms of tackling the tricky issue of joint patrols at sea, which prevent movements and to ensure rescue at sea leads to durable solutions.
- UNHCR Country Representatives should include NGOs in country planning.
- NGOs should be involved in the Europe Bureau's strategic planning.
- The Kosovo situation should be monitored by UNHCR and NGOs with a view to preparedness for the any outcome of the status talks.

6. Africa Bureau

Moderator: Ann Mary Olsen, Danish Refugee Council

Speaker(s): Marjon Kamara, Director

joined by:

Golam Abbas, Head of Desk for East & Horn of Africa
Oluseyi Bajulaiye, Deputy Director (East & Horn of Africa and Southern Africa)
Marie-Christine Bocoum, Deputy Director (West & Central Africa and the Great Lakes)
Mohamed Dualeh, Head of Desk, Southern Africa
Michel Gaudé, Head of Desk, West Africa
Betsy Greve, Head, Legal Unit
David Kapya, Coordinator for the Sudan/Chad Special Operations
Arun Sala-Ngarm, Head of Desk, Sudan
Craig Sanders, Head of Desk, Chad and Darfur

Objective:

The session discussed operational challenges and achievements with the Director of the Africa Bureau, as well as ways to strengthen and develop partnerships between UNHCR and NGOs.

Intervention(s)/Discussion:

The Director gave an overview of the situation in Africa, with a focus on (1) the opportunities and challenges for durable solutions and (2) UNHCR's new involvement in IDP situations in Africa. The main discussion points comprised:

- UNHCR priorities: SC-USA enquired about UNHCR's three main priorities in Africa for 2007. UNHCR replied that they would be (1) focus on solutions; (2) support to Governments to fully assume their responsibilities; (3) strengthening partnerships.
- Migration: Lawyers for Human Rights asked about the impact of secondary movements and migration on the institution of asylum. UNHCR acknowledged that a major problem was the lack of access to asylum procedures. The problem of the poor quality of RSD was also mentioned.
- Urban refugee policy: NGOs (Lawyers for Human Rights, JRS) praised the consultative approach in which the policy on urban refugees has been being developed and inquired when it would be finalized and distributed emphasizing the immediate need for these guidelines in the field.
- Local integration: There is inconsistency between the profile of refugees and the means pursued to facilitate their local integration [the example mentioned was that of doctors and nurses provided with agricultural tools to facilitate their local integration]. UNHCR agreed that local integration is a major challenge and that efforts must be sustained to pursue this durable solution, despite the difficulties to implement it. The reluctance of governments towards local integration and the need to support Governments are also key elements. UNHCR and partners must capitalize on the good will of a few countries of asylum (Guinea and Angola for instance).
- Education: Education should not be just "education for education", but should provide the means to earn a living (African Concern). UNHCR acknowledged that there is immense potential in vocational training yet it does not support vocational training in a consistent manner, due to a lack of funds to carry out such activities.
- SGBV: Asian Women's Human Rights Council enquired about the durable solutions for a specific group of Sierra Leonean refugee women who have reportedly been victim of rape and torture in their country of asylum (Guinea). UNHCR advised to hold a bilateral meeting on this issue with the NGO.
- Chad/Darfur situation: Questions were raised concerning the lessons learned from IDP in the Chad/Darfur situation (Hawa Society) and the security for humanitarian workers and for refugees (CCF; CARITAS-Chad). While expressing appreciation for the coordination role of UNHCR for the security of NGO personnel, CARITAS requested for more security measures. While stressing the security and humanitarian challenges faced in Chad and Darfur, UNHCR noted that the reinforced presence of gendarmes in the area could help minimize insecurity, but not solve the problem entirely.
- Zimbabwean asylum seekers: Questions were raised on UNHCR's policy toward Zimbabwean asylum seekers, who are reportedly not being recognized in South Africa as refugees. UNHCR

clarified that they look at each case individually and encouraged partners to bring cases of concern to UNHCR's attention.

- IDPs: Positive interest was expressed in UNHCR's activities on behalf of the IDPs within the cluster approach. Yet, there was a key concern raised about UNHCR's presence in areas of displacement with the Danish Refugee Council alerting UNHCR that it would soon, reluctantly, begin protection activities without UNHCR in Somalia due to a lack of a UNHCR protection colleague on the ground.

Conclusion(s)/Recommendation(s):

- Urban refugee policy: UNHCR to issue its urban refugee policy and share it with NGOs as soon as possible.
- SGBV in Guinea: Bilateral meeting to be organized between UNHCR and Asian Women's Human Rights Council.

7. Asia and the Pacific Bureau

Moderator: James Thomson, National Council of Churches of Australia

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

Objective:

Discuss with the Director about working towards solutions to protracted refugee situations in Asia.

Intervention(s)/Discussion:

Refugees from Myanmar in Thailand:

- There are now over 150,000 refugees from Myanmar in nine camps in Thailand (up from 140,000) along the border who have no permission to work and no freedom of movement. However, over the past two years, the Thai Government has become more flexible, opening up group resettlement (despite delays due to the "material support" issue) and, more recently, permitting vocational and income generation training activities. It has agreed to support education centres in refugee camps. The Government has also agreed to the establishment of UNHCR Legal Aid Centres – a first in closed camps – and to the issuance of identity cards.
- This has partly been due to the hard work of NGOs and UNHCR, as well as factors, such as the increased recognition of the importance of migrant workers, in the country.
- Early signs are that the recent coup in Thailand will not affect these gains as several members of the new administration have been supportive of the changes.
- The challenge will be maintaining these gains as pressure emerges over increasing new arrivals as the situation deteriorates in Myanmar.
- In addition, it must be noted that improvements will potentially act as a draw for new arrivals and this must be dealt with.
- Even though the resettlement of up to 10,000 out of 140,000 refugees from Myanmar out of Thailand over the next year may not reduce the overall number of refugees in Thailand due to the increasing number of new arrivals (7,000 this year already), it must be stressed that resettlement is important both as a durable solution and as part of a comprehensive solution for the refugees.
- NGOs should be commended for their creative thinking and successful lobbying of governments in collaboration with UNHCR.
- Due to fears of a "brain-drain", resettlement is being monitored closely to ensure against the best and the brightest being removed.
- Participants were also reminded of the estimated 400,000 refugees in Thailand, including 250,000 Shan, and some 500,000 IDPs in Myanmar, where the situation is worsening.

Refugees in Nepal:

- There are 106,000 ethnic Nepalese from Southern Bhutan, who entered Nepal in the early 1990s, and living in seven camps. Previously, the only durable solution envisaged was repatriation, but now looking at a range of solutions.

- There is no definitive road map, but interested donor countries, known the Core Group, are actively engaged.
- In July 2006, at a New York meeting, Nepal agreed to allow 15 cases to be resettled.
- At the same meeting, the US offered 50,000 resettlement places.
- Nepal has also agreed to allow UNHCR to conduct a long-awaited re-registration, which is scheduled for the latter part of 2006.
- UNHCR is concerned for vulnerable groups in the camps and hopes that some of these groups can be resettled regardless of any final durable solution.
- It was noted that some refugee leaders are advocating only repatriation and that there were fears that polarization and pressure may impact on the freedom of refugees to choose between repatriation and resettlement.
- While Bhutan has agreed to the return of a small number of those who it considers to be Bhutanese citizens, agreements have not been reached on implementation.

Myanmar Rohingya in Bangladesh:

- While 230,000 Rohingya have returned home over the past decade, there are still 26,000 Rohingya in two camps in Bangladesh who do not wish to return.
- Neither voluntary repatriation nor local integration is an immediate option for this group.
- Bangladesh has rejected (1) an April 1997 UNHCR proposal for local integration; (2) an April 1999 request from UNHCR to grant temporary residence to remaining camp residents; (3) an August 1999 food-for-work proposal; and (4) a January 2003 UNHCR proposal to promote self-reliance.
- Refugees are not permitted to work, have no freedom of movement and face serious protection problems.
- Bangladesh insists that repatriation is the only solution and is reluctant to improve even the most basic living conditions as this may work against repatriation.
- Meanwhile, prolonged encampment has led to increasing sexual and gender-based violence, trafficking, corruption and abuse from local authorities. Refugee participation in camp activities is at an all time low.
- UNHCR is encouraged by renewed interest by donor countries who met in Dhaka and Geneva recently to work on a common approach.
- The UN Country Team (UNCT) in Bangladesh, which has been very supportive, conducted an inter-agency assessment on the estimated 200,000 Rohingya living outside camps. The benefits of development projects proposed for this group are hoped to have a spill-over effect for encamped refugees. NGOs could play an important role here in lobbying their respective governments to provide support.
- UNHCR will not close the camps without a viable alternative having been found.
- UNHCR's work in Northern Rakine State is essential for sustainable repatriation.

Protracted Refugee Caseloads in Urban situations:

- UNHCR and NGOs alike stressed the need to address less visible protracted refugee situations in urban areas and stressed the need for resettlement countries to consider these people under separate humanitarian criteria given their unique predicaments rather than through their standard resettlement criteria.
- It is imperative that NGOs raise the situation of these urban situated caseloads with their respective governments.

Other concerns:

- NGOs raised the issue of deported Hmong in Lao being detained in jails.

Conclusion(s):

The session stressed the importance of UNHCR, NGOs and States coming together to explore and jointly develop creative new ways to solve protracted refugee situations and responding to changing political situations.

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

Moderators: Tarek Badawy, Africa & Middle-East Refugee Assistance
Manisha Thomas, International Council of Voluntary Agencies

Speaker(s): Ekber Menemencioglu, Director *joined by:*
Salvatore Lombardo, Head of Desk, Central Asia & South West Asia
Ruvendrini Menikdiwela, Head of Desk, North Africa & the Middle East
Radhouane Nouicer, Deputy Director

Objective(s):

A discussion with the Bureau on two distinct themes:

1. Asylum-Migration Nexus – UNHCR’s 10 Point Plan of Action for the CASWANAME Region
2. Cluster approach in emergencies – lessons learned from the CASWANAME region looking at Pakistan and Lebanon

Intervention(s)/Discussion:

Asylum-Migration Nexus:

- Iraqi Diaspora goes back to the first Gulf War. The exodus is continuing and the number of Iraqi people in Europe has increased by 50%. Contingency planning for further outflows exists. There is good and increased collaboration between actors. Meanwhile, temporary protection still applies. There was concern that some governments do not recognise temporary protection or refugee documents.
- With regard to IDPs in Palestine, there is need for more information from UNRWA and more protection of Palestinians in Iraq. There is an increase in the number of IDPs in the Occupied Palestinian Territories.
- Refugee status on readmission to Egypt is the only option for Sudanese in detention in Israel because the Government of Israel considers them enemy nationals.
- There are negotiations between Libya and the European Union regarding the latter’s access to Libyan territorial waters to prevent flows of refugees into Europe. So far, Libya has refused.
- There is hardly any access to detention facilities or statistics on detention in Libya or other countries in the region.
- Questions were raised regarding the policies on return of failed asylum-seekers to Afghanistan.

Cluster approach in emergencies:

- The clusters are very different in capitals from those in the field.
- In Pakistan, NGOs were asked to bring and explain in a few minutes their proposals to the clusters. Once the funding was decided, equality was left out.
- Priority-setting was missing in the clusters in Pakistan.
- Clusters seem to be more about profiling and fundraising.
- The number of meeting in (because of) the clusters is a real problem because there are different approaches between NGOs and the UN.
- Are clusters really about gap-filling or a new coordination mechanism?
- The relationship between NGOs and the UN is “in a medieval stage”. There is need for equality in setting policies, response, management and implementation.

Conclusion(s):

Asylum-Migration Nexus:

- Sudanese in Israel: Resettlement or return to Egypt following a readmission agreement are the only available options.
- UNHCR is unable to access detention centres in Libya, except for one in Benghazi. More access is required.
- UNHCR cannot obtain statistics on detention. NGOs are welcome to help UNHCR with statistics if available.

- With regard to Afghan returnees, UNHCR is facilitating dialogue between Afghanistan and host countries. Some Western countries have not signed the return agreement, which makes it difficult for Afghans to return.
- Temporary protection will continue to apply in the case of Iraqi refugees. UNHCR intervenes on their behalf to prevent their deportation to Iraq where the situation deteriorates by the day.
- There is a need to develop a more effective response for the protection of Palestinian refugees in Iraq.
- Discussions with UNRWA regarding the protection and assistance of IDPs in the Occupied Palestinian Territories should be initiated.

Cluster approach in emergencies:

- Equality in partnership and the clusters still needs to be developed.
- The cluster lead agency must ensure that all priorities are addressed, and not just the lead agency's priorities.
- One size for clusters does not fit all. There are a number of unresolved issues which must be addressed. The voice of NGOs is key to improving the cluster concept.

9. Americas Bureau

Moderator: Elisabeth Rasmusson, Norwegian Refugee Council

Speaker(s): Philippe Lavanchy, Director

Objective(s):

Review of the implementation of the Mexico Plan of Action; update on the Colombia situation; the impact of the financial crisis; and to hear from NGOs about their concerns and priorities.

Intervention(s):

The Director gave a comprehensive introduction to the region, focusing on the situation in Colombia and implementation of the Mexico Plan of Action. Questions were raised about return-monitoring in Colombia. On the Plan of Action, NGOs are actively working in the resettlement countries in the region. There was overall agreement on the need for ownership on behalf of Governments in the region and support from the international community. It was also pointed out that the Mexico Plan of Action is not only about Colombia; that refugee issues in Mexico and other countries in Latin America should not be forgotten.

Conclusion(s):

Good and informative session. The Americas Bureau has a very good relationship with NGOs in the region and is constructive when being confronted with concerns and challenges.

Round-Table Sessions

Theme on UN Reform

10. Implementation of the new cluster approach in situations of internal displacement

Moderator: Jens-Hagen Eschenbacher, Internal Displacement Monitoring Centre, Norwegian Refugee Council

Speaker(s): Cindy Burns, UNHCR Uganda
Musa Echweru, Minister of State for Relief and Disaster Preparedness, Uganda
Lucy Hovil, Refugee Law Project
Jamie McGoldrick, Office of the Coordinator for Humanitarian Affairs

Objective(s):

Using Uganda as an example, the session focused on the implementation of the new cluster approach by UNHCR and its partners on the ground. The session looked at initial experiences

with, and lessons learned from, putting the cluster approach into practice at the field level, with particular attention to relations between UNHCR and non-governmental partners on the ground.

Intervention(s):

OCHA gave an overview of the cluster approach, highlighting the need to de-mystify the clusters and to strengthen partnership between the UN and NGOs, including national NGOs.

The Refugee Law Project welcomed the cluster roll-out in Uganda as recognition of the need for humanitarian action, summarized some of the concerns raised by NGOs, and stressed the challenge for UNHCR to effectively engage the government in IDP protection.

Minister Echweru described the coordination mechanisms in place at the different levels, and stressed the government's responsibility for leading the IDP response.

UNHCR Uganda informed about UNHCR's focus in Uganda – return and improving conditions in camps – and spelled out the challenges it faces, including the difficulties to get everyone on board, inter-cluster coordination, adapting to the fluidity of the situation, internal bureaucracies, and partnerships with NGOs.

Discussion

Issues raised during the discussion included the:

- Status of humanitarian reform in Uganda beyond the clusters: the need for a separate Humanitarian Coordinator for the North;
- Need to take into account the differences between regions when planning return in Uganda;
- Need to clarify the relation between the Joint Monitoring Mechanism and the clusters;
- Lack of implementation of the clusters other than the protection cluster;
- Need to include NGOs and IDP representatives in coordination mechanisms; and
- Difficulties for NGOs to participate in the increasing number of meetings due to the cluster approach.

Conclusion(s):

- Strong NGO-UN partnership is a prerequisite for the function and success of cluster implementation.
- Protection cluster implementation in Uganda is on track, but a number of challenges remain to be addressed.

Theme on the Asylum-Migration Nexus

11. Combating the use of detention as a deterrent: A case study from the Mediterranean

Moderator: Anna Gallagher, Coordinator of the International Detention Coalition

Speaker(s): Anja Klug, Protection Operations & Legal Advice Section, UNHCR
Mamadou Ndiaye, Office Africain pour le Développement et la Coopération
Esther Schaufelberger, Association for the Prevention of Torture

Objective:

The session looked at how detention is used as a deterrent to stop refugee and migratory flows from sub-Saharan Africa. It looked at the conditions under which people are being detained, as well as advocacy tools that can be used by NGOs to get people out of detention or improve the conditions under which they are detained. Finally, the session looked at how NGOs can develop advocacy strategies to combat this increase of detention of refugees and migrants.

Conclusion(s):

- Need for the European Union (EU) to establish a managed migration system instead of focusing only on enforcement.

- Importance of lobbying with governments to approve the Optional Protocol on the Convention Against Torture (OPCAT) as a mechanism to protect detainees.
- UNHCR working towards getting access to detention centres in North Africa. It is important that NGOs work with UNHCR, share information, etc.
- Lobby to have a refugee/migration law expert on the Optional Protocol sub-committee.

Theme on Durable Solutions

12. Challenges of Return: Rights and sustainable solutions

Moderator: Peter Prove, Lutheran World Federation

Speaker(s): Gregory Balke, Solutions and Operations Support Section, UNHCR
Hazel Lang, Austcare
Robyn Lui, Austcare
Tulasi Sharma, Lutheran World Federation, Kenya

Objective(s):

The session explored the challenges of return for refugees and IDPs, firstly from a human rights perspective and secondly, from the perspective of protracted situations in Asia. The panellists will draw attention to some fundamental issues that must be addressed in order to achieve sustainable return and discuss UNHCR's responses to these issues.

Intervention(s):

- Raised awareness on human rights issues raised expectations and requirements relating to return.
- To solve protracted situations, focus needs to be given to the root causes and approaches have to be comprehensive and multi-disciplinary.
- Role of UNHCR in countries of return.

Discussion:

- Specific protracted cases mentioned: South Sudan, Bhutan, Myanmar, Serbia & Montenegro.
- Is voluntary repatriation really voluntary?
- How to manage a camp when resources decrease?
- Is peace a pre-requisite for return or a factor needed to build peace?
- Returnees and refugees have to go home to build their societies. Dilemma of having better services in the camp.
- Is resettlement a nexus of immigration policy?
- Participation of refugees in analysing their own situations.
- The need for civic education.

Conclusion(s):

The human rights framework provides us with a set of universal standards, but on the very practical level, what is the bottom line of what we can accept and live with?

Theme on UN Reform

13. Mainstreaming education within humanitarian response

Moderator: Carl Triplehorn, Save the Children US

Speaker(s): Eva Ahlen, Technical Support Services (Education), UNHCR
Ellen Van Kalmthout, UNICEF
Wendy Wheaton, Christian Children's Fund

Objective(s):

With education being accepted as one of the primary tools of protection, the panel explored the importance of on-going and future coordination of emergency education interventions. Specifically, the panel discussed the potential creation of an Education Cluster, with examples of *de facto* clusters in Uganda, DRC and Pakistan. Additionally, the panel discussed on-going

collaboration, such as the Inter-agency Network for Education in Emergencies (INEE) and its development of Minimum Standards, as a means of strengthening educational quality and access and humanitarian accountability.

Intervention(s):

Main speaker intervention points highlighted that:

- There is strong feeling for the establishment of an education cluster.
- Although not mandated at the global level, education clusters are forming de facto in the Field.
- There are significant benefits in the development of an education cluster:
 - Recognition of the importance of education;
 - More systematic attention to address capacity gaps; and
 - Enable interaction with other clusters.
- Quality of education is an accepted tool of protection but it is necessary to now look at how agencies can be accountable for its implementation.
- The INEE has proven to be a useful means of improving the coordination and quality of implementation of education in emergencies. INEE's Minimum Standards have been key to implementing education activities.
- There are significant gaps within the provision of education programmatically (youth), but also in access (to the school fees/livelihoods).

Discussion:

Cultural acceptability of education:

- Clarification that education in emergencies is in the languages of those affected.
- Similarly, education in emergencies stresses the adaptation to the cultural norms of those affected.

Formation of an education cluster:

- This was the primary focus of the session.
- The formation of an education cluster was generally well accepted but there were specific questions in regard to how it would be implemented.
- Specific questions were raised regarding how the cluster response undermines commitments of UN agencies.

Youth:

- Many of those present felt there was a significant lack of programming for youth. Specifically, it was raised that youth have been identified as a needed area of programming but this has led to little systemic change.

More discussion needs to happen regarding emergency education as being life-saving.

Conclusion(s):

- Education is now an accepted tool of protection.
- The formation of an education cluster was generally well accepted with a questioning of UN roles and responsibilities.
- Education is under-utilised as a means of protection.
- Education is significantly under-funded with programmatic gaps, as well as gaps in funding which hinder programme development and continuation.

Theme on ExCom Conclusions

14. Prevention and reduction of statelessness and protection of stateless persons

Moderator: Mirna Adjami, Open Society Justice Initiative

Speaker(s): Vera den Otter, Jesuit Refugee Service Thailand
Philippe Leclerc, Statelessness Unit/DIPS, UNHCR

Jane Connors, Office of the High Commissioner for Human Rights

Objective:

Statelessness dramatically affects the enjoyment of a broad range of human rights by approximately 11 million persons worldwide. The session aimed to explore how NGOs can work together with UNHCR, other UN agencies and States to address statelessness. The focus was on issues such as birth registration, discrimination against women in passing on citizenship to their children and protracted statelessness situations.

Interventions:

UNHCR:

The UN General Assembly gave UNHCR a mandate to prevent and reduce statelessness and to protect stateless persons. The 1954 Convention relating to the Status of Stateless Persons defines a *de jure* stateless person as “a person who is not considered as a national by any State under the operation of its law” and recommends, as well as the 1961 Convention on the Reduction of Statelessness, that *de facto* stateless persons as far as possible are accorded the same treatment. Few States have ratified or acceded to the two conventions, but many key international human rights instruments contain similar provisions. UNHCR has increased attention and resources to these issues. UNHCR’s ExCom will adopt a Conclusion on Statelessness at its 57th session. It envisages actions to be taken by UNHCR, civil society and States within four areas: (1) identification of stateless persons and populations; (2) prevention of statelessness; (3) reduction of statelessness; and (4) protection of stateless persons.

Main challenges include the identification of stateless populations, for which very few States have precise data. Birth and voter registration, and population census may be used for this purpose, as well as research in cooperation with academic institutions and experts. One statelessness prevention mechanism is through birth registration and the issuance of birth certificates. States are also encouraged to review their nationality legislation with the aim to remove gaps that may lead to statelessness. Advocacy campaigns, international standard setting instruments and regional courts may serve as tools to prevent and reduce statelessness. The Inter-American Court of Human Rights judgment in the case of the Yean and Bosico children v. the Dominican Republic was mentioned as an example. Another main challenge to reducing statelessness is addressing protracted statelessness situations, which requires a comprehensive response on the part of States, UN agencies and NGOs. As an example, more than 600,000 stateless Tamils of recent Indian origin acquired nationality as a result of a citizenship campaign organized by the Sri Lanka authorities with the assistance of UNHCR. Finally, the protection of stateless persons should be reinforced by ensuring their access to basic rights.

In going forward, UNHCR will promote inter-agency responses to statelessness, bringing in other relevant UN agencies such as OHCHR, UNICEF, UNIFEM, and UNFPA. Given that few States are party to the 1954 and 1961 Conventions relating to statelessness, it is of great importance that relevant provisions of human rights be promoted and applied.

OCHCR

The presentation focused on the right to a nationality and particularly on discrimination on the grounds of gender as a cause of statelessness. OHCHR does not address statelessness per se, but the right to a nationality, and OHCHR and UNHCR must work more closely on these issues. Nationality provides the individual with an important part of their identity but is also a requisite for enjoyment of a number of rights including automatic residence, passport and political participation and, in practice, such rights as employment, health and education.

Women and children are particularly vulnerable to statelessness. Trafficking victims often have their identity documents confiscated. Many nationality laws lead wives to automatically acquire the nationality of their husband (dependent nationality) and conversely to lose it if the husband loses his nationality or dies or divorces. This may also impact the children, who can be rendered stateless. The 1957 Convention on the Nationality of Married Women specifically addressed this issue, but has a narrow reach and decision makers were often deterred by the preferential treatment

it gives to women. As a result, only 73 States have ratified or acceded to it. It was superseded by the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which in its Article 9 seeks to guarantee the right to equality of women to acquire, change or retain nationality as well as confer nationality upon their children. As such, the Article addresses an inequality issue: it does not state women's right to choose a nationality, but to have the same right as their husband in relation to nationality.

CEDAW Article 9 is adversely affected by a large number of reservations, but has nevertheless had significant impact. The Committee on the Elimination of Discrimination against Women routinely requests States to report on their implementation of the Article and has frequently addressed discrimination in nationality laws. NGOs can use this fact for campaigning purposes. Reforms in Algeria, Morocco and Egypt have taken place to remove discrimination in nationality laws. Litigation in a number of countries has addressed the issue of discrimination in relation to nationality, as exemplified by the case of *Unity Dow v. Botswana*. Use of the Optional Protocol to the CEDAW should be explored, and the issue of statelessness can also be raised through the communications procedures of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination.

Jesuit Refugee Service:

This presentation centred on efforts of the Thai Government, in cooperation with NGOs and community based organizations (CBOs), to resolve protracted statelessness situations in Thailand where 2.5 million people may lack a nationality. The national strategy recognises that the large number of undocumented persons may be a threat to national security, which made it possible to work towards reduction of statelessness. A backlog remains in registering births, however, and in many cases stateless persons are granted residency but not nationality.

The issue of statelessness will not be solved overnight, which makes it essential to ascertain the basic human rights of these people. A great step forward is Thailand's new education policy which gives all children, regardless of legal status or nationality, the right to attend Thai schools up to university level. Despite such initiatives and commitment on part of many stakeholders, additional rights protection gaps remain to be closed.

To solve this problem there is a need for significant financial support and efforts among CBOs, NGOs, international agencies, the government and stateless persons must be strengthened. Moreover, the issue has to be taken up to a regional level since statelessness is a regional issue and cross-border movement has often led to statelessness. JRS recommends that UNHCR strengthen cooperation with Thai NGOs and link with national and regional initiatives. Advocacy, information sharing and coordination are not fund-intensive but would make a significant contribution to solving the statelessness problem.

Conclusion(s):

Key to resolving statelessness is collaboration between NGOs, UNHCR and UN agencies, particularly in the domain of operationalizing programmes in the field to identify, prevent, reduce, and protect stateless persons. UNHCR will continue to advise states on revising nationality laws to fill legal gaps that permit statelessness and NGOs should pursue legal decisions from national courts, international tribunals, and UN treaty bodies.

Theme on Durable Solutions

15. Integration: The forgotten 'solution'

Moderator: Barbara Harrell-Bond, Africa & Middle East Refugee Assistance

Speaker(s): Jeff Crisp, Policy Development & Evaluation Service, UNHCR

Lucy Hovil, Refugee Law Project

Karen Jacobsen, Tufts University

Tania Kaiser, School of Oriental and African Studies

Objective:

The discussion used the case of Uganda and the self-reliance strategy to illustrate some of the issues surrounding UNHCR's approaches to integration and self-reliance. The panel discussed the discrepancies between assistance programming for long-term refugees and prospects for 'development', including an analysis of structural and institutional constraints and interests that remain as obstacles to this approach. The panel discussed what it knows (and what evidence it has) about 'integrated' refugees' contributions to, and acceptance within, the host economy and society. In conclusion, the panel reviewed the variety of economic support programmes and policies that could be considered in protracted situations.

Conclusion(s):

Comprehensive approaches to durable solutions are needed, involving voluntary repatriation, resettlement and local integration. In any refugee situation, a combination of these solutions should be used, depending on local circumstances. Local integration is likely to be a viable option in situations where refugees have some affinity (culture, language, etc.) with the host community.

The notion of 'local integration' has to be deconstructed. In some cases, full integration, involving naturalization and citizenship, might be possible, but in many situations, approaches such as local settlement and self-reliance are more appropriate and more workable.

Local integration, local settlement and self-reliance cannot be divorced from the question of rights. Refugees who are denied freedom of movement or access to the labour market, for example, cannot be expected to become self-reliant or to integrate.

Host country policies usually determine the extent to which local integration is possible. When a new refugee influx occurs, UNHCR must try to negotiate with the host government to ensure that an appropriate environment for local integration and self-reliance is created. At a later stage, it maybe impossible to persuade the host government to amend its policies, although advocacy, coalition-building and donor state involvement should be used to achieve that objective.

Local integration does not obstruct voluntary repatriation. Even integrated refugees retain an attachment to their homeland and may choose to go back there when conditions allow.

16. "MSRP" – UNHCR's global implementation of the PeopleSoft software package

Speaker(s): Anthony Salmon, MSRP and Business Solutions, UNHCR
Alan Vernon, Organisational Development and Management Service, UNHCR

Objective(s):

The session provided an overview of the scope, status and plans for the MSRP and gave an opportunity to share views on its utility as a tool to improve working practice between NGOs and UNHCR.

Intervention(s):

Anthony Salmon, briefed participants on the status of MSRP. He opened the session by stating that MSRP is an enterprise-wide computer application which performs UNHCR business requirements within a single software package. He explained that MSRP replaces old systems and introduces 'best practices' in business and technology. Hence the reason it is called MSRP – Management Systems Renewal Project.

Thus far UNHCR has successfully implemented the Finance, Supply Chain and Human Resource Administration modules. The modules on Recruitment, Global Payroll, Treasury Management and the Enterprise Learning Program are being developed and will be delivered within the next year. Travel and Expenses modules are also being planned for roll-out. At this point in time UNHCR had rolled the software out to over 100 field locations.

Anthony Salmon also mentioned the long-term opportunities that may exist to grant NGO partners limited access to the system in respect of project reporting, and possibly also for certain functions performed by NGOs for UNHCR, such as fleet management.

Alan Vernon presented screen shots from UNHCR's new RBM Software *Focus*; a new software application UNHCR is developing for itself and partners to support and facilitate programme and project management at all stages of the project cycle from assessment to monitoring and evaluation. Mr. Vernon explained that the application is currently being built and will be piloted in ten locations in 2007 and rolled out world-wide in 2008. The application will work both off-line and on-line and is expected to be a key means for strengthening UNHCR's partnership with NGOs and supporting their shared commitment for delivering quality programmes.

Discussion:

Questions on MSRP from participants revolved around the challenges UNHCR faces in implementing the system. Mr. Salmon stated that the Support function does not presently follow best practice and is currently being re-structured as part of the UNHCR IT Strategy. Issues of connectivity – of bandwidth shortage – are challenges that were first addressed by measuring required connectivity requirements of UNHCR offices worldwide and then identifying a supplier that can provide connectivity using a satellite service. Change Management challenges, in this case helping people to accept a new IT system, he acknowledged, were underestimated. The MSRP team is working to address such change management issues as the cultural shift of having financial data available for all staff versus certain individuals or units; the requirement that all staff acquire new business competencies; and alignment of MSRP processes with UNHCR structures and procedures.

Questions and comments on *Focus* centred on the availability of the tool to partners as well as the importance of having such a tool to facilitate programme management. Mr. Vernon explained that UNHCR is fully committed to sharing the tool with partners, and agreed with participants that such a tool was long overdue.

Conclusion(s):

The benefits far outweigh the costs in implementing MSRP. The return on investment include the improved control of funds and expenditures, the integration between previous separate systems that will streamline processes and reduce data processing functions, and the reduction of costs in maintaining ancient legacy systems. Being internet-based, MSRP enables UNHCR to have the option to de-centralize, or out-post. MSRP is therefore instrumental in UNHCR present efforts to reform.

Regarding *Focus*, there was strong consensus on the value and need for such a tool. The NGO participants indicated both their interest and readiness to be part of any pilot exercise for the software.

Theme on ExCom Conclusions

17. Collaboration in addressing gender issues

Moderator: Manisha Thomas, International Council of Voluntary Agencies

Speaker(s): Philippe Boguel, Secours Catholique et Développement
Salvatore Lombardo, Head of Desk for Central Asia & South West Asia, UNHCR
Jutta Teigler, Oxfam GB

Objective(s):

The session discussed successful and appropriate cooperative efforts to joint gender programming in emergency responses. The panel drew mainly on the cooperation in Chad, but also on the tsunami response in Aceh/Indonesia and others. The objective of the discussion was to share positive collaborative experiences and to stimulate future cooperation between the NGOs, the UNHCR and other UN agencies as suggested in the draft handbook on Addressing Gender Issues

in Emergencies prepared by the IASC, as well as finding a better way to 'sell' gender issues so they become more palatable and more men are engaged.

Intervention(s):

Main speaker intervention points:

- Reduce gap in power between men and women through collaboration.
- Gender sensitive staff must be fielded from the start of any operation.
- The example of UNHCR's women at risk programme in Afghanistan showed that even in seemingly impossible situations, gender can make a difference.
- Need an integrated programme involving various actors for it to work.
- In Chad, it was necessary to sensitise men about gender so that they eventually allowed women to participate in camp committees.
- It is possible to overcome cultural barriers with regards to women's participation (e.g. Chad).

Discussion:

Main discussion points:

- Major component of gender torture is the state and religiously sanctioned.
- Is there any way to approach men in communities (where FGM is practised) so their views can be freely expressed so we can move forward?
- Even progressive men do not come to gender meetings – how can we get them to?
- Could and should be talking more with religious leaders, as was done in Yemen, for example, with the Mullahs to speak out against child marriage.
- It is a long struggle, which will not be easy.
- Empowering women is only part of the struggle – there is a need to also work with the perpetrators, of which there are different levels.
- Gender training should be 50% men and 50% women.

Conclusion(s):

- Gender-sensitive staff need to be deployed from the beginning of an emergency.
- Need to raise awareness among men of what is ill-treatment of women.
- Need to work collaboratively to address gender issues, for example, ensuring gender training is 50% women and 50% men.
- Need to empower women.
- Should engage in more dialogue/discussion with religious leaders.
- Need men taking more responsibilities on the issue.
- Need reflection about not having women leading.
- Need space for men in NGOs and UN agencies, to lead gender work.

Theme on Durable Solutions

18. What are the strategies for countries supportive of resettlement?

Moderator(s): Ana Monica Farinha, Portuguese Refugee Council
João Vasoncelos, Portuguese Refugee Council

Speaker(s): Vincent Cochetel, Resettlement Service, UNHCR
Cândido Feliciano Da Ponte Neto, Caritas Arquidiocesana do R o de Janeiro
Julia Fernandez Quintanilla, Asociacion Comision Catolica Espa ola de Migraci n
Richard Parkins, Refugee Council USA

Objective(s):

The panel debated how to develop specific national advocacy strategies, involving UNHCR and NGOs in countries supportive of resettlement activities, to maintain and increase current levels of resettlement. How do stakeholders need to advocate for formal national resettlement programmes? The session identified existing measures being developed by UNHCR, regional organizations (i.e. EU) and individual governments with the objective of facilitating resettlement activities and debated how States and NGOs from countries supportive of resettlement activities can make the

most of such measures. The panel identified lessons learned in emerging resettlement countries and countries supportive of resettlement activities and discussed ways of further facilitating regular sharing of information, expertise and best practises on resettlement between UNHCR, European and non-European NGOs and how these could represent a useful complement to the ATC process. It identified key aspects in capacity building of NGOs in countries supportive of resettlement activities and discussed the extension of current UNHCR capacity building programmes on resettlement in favour of NGOs from countries supportive of resettlement activities.

Intervention(s):

Main speaker intervention points comprised:

Asociacion Comision Catolica Española de Migración

- Described resettlement activities in Spain and the role of NGOs in resettlement
- Specific initiatives of best practises exchange between NGOs

Caritas Arquidiocesana do Río de Janeiro

- Described resettlement activities in Brazil
- Need for a tripartite involvement (government, civil society and UNHCR) in all stages of resettlement (selection, reception and integration)

Refugee Council USA

- USA NGOs contribute to all stages of resettlement and are also advocates for refugees
- Dispersion versus clustering of refugees in resettlement countries

UNHCR

- Distinguishes between traditional and emerging resettlement countries and countries supportive of resettlement
- Encourages advocacy for the establishment of resettlement programmes at national level in countries supportive of resettlement
- Promotes an expansion of UNHCR resettlement activities in Europe
- Advocate with the EU Presidency for the inclusion of enhanced resettlement in Europe in its work plan

Discussion:

Main discussion points focuses on:

- The resettlement selection criteria
- The importance of properly managing refugees' expectations vis-à-vis resettlement
- The need for pre-departure cultural orientation in resettlement programmes
- The importance of channelling information to NGOs implementing reception and integration in resettlement countries regarding vulnerability of individual cases (ICs) well in advance of their arrival.

Conclusion(s):

The role of NGOs is indispensable:

- To advocate for refugees and for resettlement as a complement, not a substitute to asylum systems;
- To develop the basis for resettlement programmes in view of national capacity;
- To create public awareness and understanding (refugees are an asset, not a burden); and
- As a link to civil society/service providers.

The NGOs' experience in resettlement countries regarding reception, information, legal counselling, and development of integration projects should be further enhanced and should include involvement in selection, placement of resettled persons and management of expectations.

- Priority for emerging resettlement countries should be to advocate for highest possible resettlement programme standards, particularly in the areas of family reunification and dossier emergency submissions;
- Integration potential should not be a criterion for selection; and
- Exclusion of refugees with HIV/AIDS should not be a practise in resettlement
- Need to promote the implementation of the EXCOM Conclusion on Women-at-Risk

UNHCR should expand resettlement opportunities i.e. by increasing the number of first countries of asylum that receive selection missions for resettlement and the number of countries willing to resettle refugees.

UNHCR Resettlement Handbook should be updated to better reflect the European perspective.

UNHCR should pursue a balance between local protection/integration and resettlement opportunities to better manage refugees' expectations vis-à-vis resettlement and seek stronger commitment from first countries of asylum to provide protection/local integration.

Capacity building of NGOs:

- Cooperation between NGOs (training)
- UNHCR's role – training, support in fund-raising and encouraging NGOs to participate in strategic/regional resettlement meetings, assessment missions in first countries of asylum

Capacity building of NGOs is crucial for functioning and evolving resettlement programmes. Therefore, the learning never ends and new populations, new experiences and new realities should be addressed. NGOs should be prepared for constant changes and new methodologies.

Theme on UN Reform

19. Children's protection and humanitarian reform

Moderator: Amelia Bookstein, Save the Children UK

Speaker(s): Luc Chauvin, UNICEF

Ron Pouwels, Community Development, Gender Equality and Children Section, UNHCR

Dan Rono, Save the Children USA

Objective(s):

The panel commented on the impact of the cluster model and other aspects of humanitarian reform on assistance and protection of children (regardless of their status - refugees, IDPs, asylum seekers, returnees, etc). As 50% or more of the people in any emergency, how have children's risks and needs been assessed? Are the gaps regarding their access to humanitarian relief been addressed? How has the role of "cluster lead" and "the provider of last resort" worked in practice on the ground?

Intervention(s):

Main speaker intervention points comprised:

UNHCR

The new UNHCR Tool for Participatory Assessment developed as part of the Age, Gender and Diversity Mainstreaming strategy means that staff have to ensure that people of concern – women, men, boys and girls of all backgrounds – participate, also in emergencies. For example, people of concern participate in the identification of their protection risks and solutions, such as safe play areas for children. A challenge remains addressing the specific concerns of adolescents as the focus is often on younger children. In the cluster approach, there remain challenges of linking the Field and the global levels and ensuring inter-cluster communication and cooperation.

UNICEF

From experience in Pakistan, it is clear that UNICEF has to shift its mindset from just child protection to the wider protection issue, which will be a staffing challenge. The IASC self-assessment in October-December should be helpful. Benchmarks are needed for impact.

Save the Children

Clusters are difficult; therefore a positive outlook is necessary to make them work. Child protection should be mainstreamed into assessments for the clusters, but also as a specific set of skills as well. Links to other initiatives, such as the Security Council Resolution 1612, are important. UNICEF and UNHCR should work to become more flexible and nimble and increase internal capacity on child protection. UNHCR should look beyond a legal definition of protection and focus on social protection. Child protection takes time to build; there is no quick fix.

Discussion:

Main learning points have included that UN agencies need to look at partnerships with NGOs and with each other. UNHCR and UNICEF have been ‘bolted together’ by the protection cluster arrangements. They need to capitalize on and operationalize this relationship. A paradigm shift is seen among some agencies in protection, particularly in UNICEF. Perhaps, it is necessary to demystify the cluster approach – it’s about doing things better. Assessments are useful to determine the impact on children. National agencies must be considered in places where the UN has no access, such as in Somalia. Perhaps with the right resources and capacity-building, Somali agencies could run their own clusters. Concerns about mainstreaming too much could dilute good expertise and programmes in child protection. It could also be argued that mainstreaming strengthens protection if, at the same time, good skills are retained by everyone, i.e. assessing water and sanitation, health and nutrition through a protection or child-protection lens. To avoid dilution, mainstreaming should be combined with targeted action.

Conclusion(s):

- The objective of the cluster approach is not coordination; it is about better and more reliable humanitarian aid.
- It is premature at this stage to draw any conclusions on whether the cluster approach is working well or not or if children are better protected.
- It is necessary to stay focused on the impact on children, which can be difficult for agencies when security situations are very difficult (e.g. Lebanon).
- There is a need to work towards joint, inter-cluster assessments (including child protection and SGBV), with findings to be analysed from an age, gender and diversity perspective, which will inform the cluster and the work done by the “sub-clusters”.
- The discussion on child protection must be inclusive and involve global, field and local levels as well as other clusters.

Theme on ExCom Conclusions

20. They don’t talk about rape!! Improving protection for refugee women and girls

Moderator: Eileen Pittaway, UNSW Australia and Asian Women’s’ Human Rights Council

Speaker(s): Karuna Anbarasan, Community Development, Gender Equity and Children Service, UNHCR

Linda Bartolomei, Centre for Refugee Research, UNSW Australia

Dale Buscher, Women’s Commission for Refugee Women and Children

Lavinia Limon, U.S. Committee for Refugees and Immigrants

Objective(s):

The continuing rape, sexual abuse and exploitation of refugee women and girls is well documented. There are excellent UNHCR Guidelines in place to address the issue, but sometimes these are not adhered to. The panel explored the challenges of providing protection for refugee women and girls. These include lack of resources, camp conditions which deprive them of the right to earn income, lack of community involvement, and monitoring. A major problem is that of

political will, and negative and dismissive attitudes from many service providers. Workable solutions were proposed to address these problems and discussed with the participants from the floor. Strategies were tabled to ensure the implementation of measures included in the new Conclusion on Women at Risk.

Intervention(s)/Discussion:

There are a number of myths surrounding the issue which need to be addressed. It is said that women will not talk about rape and sexual abuse; that they lie about rape in order to receive resettlement and there is a widely held belief that rape and domestic violence are acceptable forms of cultural practice. These myths must be dispelled through staff training and by programmes which encourage better communication between service providers and refugee women. Refugee women and children are vulnerable to a large number of gender related risks which include the risk of trafficking, engagement in survival sex, early and forced marriage. Suggested strategies to prevent and respond include:

- The creation of safe spaces for women and girls who are survivors or as a prevention strategy for those who may be at immediate risk of SGBV.
- Women's centres which offer a range of services not only to survivors but to women in general.
- The end to impunity for perpetrators.
- The inclusion of refugee women and girls in the design and provision of services for women and girls at risk.
- Men and boys must also be involved in this response.
- Consider "fire walling" funding allocations for activities on prevention and response to SGBV so that funds are not negatively impacted by budget cuts.

Conclusion(s):

The NGO community and UNHCR must openly acknowledge that rape and sexual abuse is endemic in most refugee situations, and in consultation with refugees, both women and men, work cooperatively to identify risk factors and develop a range of appropriate protection measures which will include but not exclusively focus on resettlement.

The discussion acknowledged the key role that access to income and livelihood play in the protection of refugee women and recommends that women and girls are given access to income generating activities and freedom to travel.

The importance of community involvement was stressed and the need for closer and more effective partnerships between UNHCR, NGOs and refugee communities was mentioned by all presenters. The use of the term "survival sex" was welcomed as opposed to prostitution which further stigmatised people of concern.

While many of the actions mentioned at the round table are cost neutral, the need for strong advocacy was identified to encourage donor governments to provide UNHCR with adequate funding to implement the initiatives needed to address this important problem.

It was stated that now this issue is firmly on the agenda, it would be both unethical and irresponsible not to take action to address it.

Plenary Session

21. Asylum-Migration Nexus

Moderator: Elizabeth Ferris, World Council of Churches

Speaker(s): Erika Feller, Assistant High Commissioner for Protection, UNHCR
Mamadou Ndiaye, Office Africain pour le Développement et la Coopération
James Thomson, National Council of Churches in Australia

Objective(s):

Exploring asylum and migration from a protection perspective.

Intervention(s):

National Council of Churches in Australia

By convincing voters that Australia was being overrun by illegal immigrants (later branded as “queue jumpers”) and linking terrorism with asylum, refugees, and not migrants, were the target of Australia’s border protection campaign. The Australian government also positioned itself in the debate as trying to “maintain an orderly immigration system” (terminology now being used in Europe) and staked its reputation on the fact that Australia had always provided a generous overseas resettlement programme for refugees, despite the fact that its primary obligation under the 1951 Refugee Convention was to protect refugees arriving onshore. The campaign success rate was due to simple, orchestrated debates designed to polarize the electorate. 60% of Australians supported mandatory detention in fear of the “floodgates” being opened if opposed to it. Refugee advocates did not oppose short-term detention for the purpose of health, security and identity checks. They did oppose the arbitrary nature of the system – mandatory, indefinite and non-reviewable. The real question that should have been asked is whether Australians wanted a humane or inhumane system. This debate never happened.

Five years after the introduction of ‘the Pacific Solution’, as European states contemplate the expansion of similar options, lessons can be drawn and its ‘success’ evaluated. Winning voters’ confidence was a success for the Australian government. However, it exported its detention system to its offshore processing centres in Nauru and Papua New Guinea where children were detained as a matter of first, and not last, resort. Recognised refugees remained in detention because they were not offered resettlement elsewhere and were not accepted by Australia. Three to four years later, Australia was compelled to resettle the majority of the detainees. This system bore a high cost on the detainee, whose mental health deteriorated, and on the Australian taxpayer. If the costs of surveillance and naval interception are included, the total amount equates to some 1 billion US dollars for 1,500 asylum-seekers.

OFADEC

Mamadou Ndiaye presented the laws passed in the European Union to restrict or block entry of refugees and/or asylum-seekers, including:

- 1980s: stigmatisation of asylum-seekers as “bogus”
- June 1990: Schengen Convention sanctions on carriers
- 1992: idea of “safe country of origin” emerges, allowing refoulement
- 1997: Amsterdam Treaty contested asylum rights at borders, and removed cases from civil society organizations
- June 2002: notion of “internal asylum”
- February 2003: UK proposal for “transit processing centres” for extra-territorial screening rejected under pressure by June 2003.

He then went on to present the consequences of these laws, such as the increased flow of migrants and asylum-seekers travelling in unsafe boats; bargaining with aid money against immigration; and the creation of unlawful detention camps in North Africa and the conditions for detainees, including torture, excessive use of force, degrading treatment and the absence of due process and judicial review. UNHCR does not have access to these camps, which are in contravention to Article 31 of the 1951 Refugee Convention. In conclusion, he called on human rights and humanitarian NGOs and civil society to use international laws to combat these camps, and outlined a number of legal remedies, such as the Convention Against Torture and the Convention on the Protection of the Rights of All Migrant Workers (which was ratified by Algeria, Lybia and Morocco). He also highlighted the necessity for the EU and other countries concerned by this situation to have a frank discussion in search for solutions. Afterall, migration has always existed and will continue to exist to cover the labour needs around the world.

UNHCR

Erika Feller addressed the issue of mixed flows in the context of stepped up border control, irregular arrivals, human rights concerns and refugee protection. Making reference to the High-Level Dialogue on International Migration and Development held in September, she noted that development is more than economic growth; it is the full enjoyment of human rights. Ms Feller outlined a ten-point action plan to assist states with identifying those in need of protection in the context of mixed movement of people: including closer cooperation and coherence among all key partners (governments, IGOs, NGOs, civil society); data collection and analysis to understand the root causes in transit countries; protection sensitive entry management; reception arrangements; mechanisms for profiling the arrivals before they get into an asylum system and referral; differentiated processes and procedures; solutions for refugees; addressing secondary movements; return arrangements for non-refugees and alternative migration options; and information strategy.

She noted the importance of enlarging asylum space by addressing more effectively protection needs in the context of mixed flows and for further cooperation at all levels, and, concluding, called for true strategic partnerships with NGOs.

Discussion:

Highlights from the discussion were:

- Irregular migration is increasing; it is a global phenomenon.
- The focus on border management measures at the expense of ensuring access to rights leads to serious human rights concerns for all migrants, asylum-seekers and refugees.
- The flows are mixed, and include those in need of international protection, as well as people being trafficked.
- Governments are implementing border controls responses to these mixed flows rather than safeguarding refugee protection. Such practices include: increased use of detention as a deterrent, lack of access to asylum procedures, visa requirements, immigration control in countries of origin, carrier sanctions, offshore processing, interdiction or interception policies, and protection-insensitive readmission agreements. There is a need for protection-sensitive entry processes as well as for legal migration mechanisms.
- There is a political component in these policies: nourishing misperceptions, branding asylum-seekers and irregular migrants as criminals and terrorists, politically motivated xenophobia and manipulation of these issues as a way to gain political power.
- The impact on protection is a deteriorating quality of asylum and problems of access to asylum-seekers.

Conclusion(s):

- The 1951 Convention must not be used as an instrument to keep out migrants who are needed but not welcomed in the industrialised world.
- Properly managed migration channels that can take the pressure of the institution of asylum are urgently needed.
- The humanitarian community must be vigilant in upholding the rights of all displaced persons, whether migrants, asylum –seekers or refugees. To this end, it is recommended that the migrant receiving countries ratify the Migrant Workers Convention and adopt a rights-based approach for managing migration.
- The Global Migration Group should work on linkages between agencies.
- Protection capacities of host countries in the developed world must be strengthened, as well as addressing the root causes of the increased migratory movements. Most migrants would prefer to stay in their own countries if they have peace, security, and livelihood opportunities and are able to enjoy their fundamental human rights.

Closing Address

22. António Guterres, UN High Commissioner for Refugees

Ed Schenkenberg introduced the High Commissioner and welcomed him to the Annual Consultations with NGOs.

Addressing the closing session, the High Commissioner said the dialogue between UNHCR and NGOs must be a dialogue between equals and that would be the basis which makes the partnership meaningful. He noted that UNHCR's mission now goes beyond its mandate, especially in light of its involvement with internal displacement and protection linked to complex migration flows. He also pointed to the erosion of the institution of asylum in many societies and highlighted the need for a strong coalition of right-minded people to fight against the general rejection of refugees. Further, there is a need for advocacy and concrete measures to ensure international law is upheld and not subverted by bilateral arrangements. He stressed that international law must come first.

Returning to UNHCR's mandate, he said there was a key area to address: statelessness, and how it embodies an enormous limitation on human rights. He also stressed the moral obligation to protect IDPs as they remain in their country and are not covered by UNHCR's mandate. On the migration/asylum nexus, he noted that UNHCR was not a migration agency but as there were more mixed flows, including migrants moving illegally, legitimate refugees, trafficked women, unaccompanied minors and various people needing protection, UNHCR must remain strongly involved in the migration debate. Capacity building in protection is key for countries of origin and transit and ensuring physical access to asylum procedures is a priority activity for UNHCR.

The High Commissioner called on the cooperation of partners in moving UNHCR's internal reform process forward. Over the last few years, figures show an increase in administrative costs over operational expenditures, which implies more and more in-sourcing of activities and less and less implementation through partners. Short-term measures will address the immediate problem; however, structural change is needed for a long-term solution. UNHCR must be more flexible in order to respond to changing needs, and its internal reform should lead to better collaboration and strategic partnerships.

NGOs asked questions on: UNHCR's role in Darfur and relation to the government; the responsibility to protect; detention; unaccompanied minors; the situation in Somalia; capacity building; integration; repatriation to South Sudan; the Special Rapporteur for Refugees; NGO input to the UNHCR reform; and the erosion of refugee rights, with particular emphasis on the possibility that members of UNHCR's ExCom not party to the 1951 Convention or its 1967 Protocol act as a deterrent to moving refugee issues forward.

The Opening Statement of the High Commissioner at the 57th Session of ExCom is annexed to this report.

Linkage to ExCom

23. Summary wrap-up on the proceeding of the 2006 Annual Consultations with NGOs

Moderator: Ann Blomberg, Permanent Mission of Sweden & Rapporteur for the ExCom Bureau

Speaker(s): Christine Bloch, Jesuit Refugee Service and Rapporteur for the Annual Consultations with NGOs
Ichiro Fujisaki, Ambassador, Permanent Mission of Japan and Chairman of UNHCR's Executive Committee

Before leaving the room, the High Commissioner invited Ambassador Fujisaki to say a few words. The Ambassador spoke about his recent trips to Burundi (February 2006) and Uganda (September 2006). He was impressed with NGO activities as implementing, operational, strategic and planning partners and who often fill the gap that UN agencies leave. He was accompanied by the International Council of Voluntary Agencies (ICVA) on both trips.

With regard to ExCom, he highlighted two issues of focus:

1. UNHCR's involvement with IDP situations – ExCom supports the cluster approach.
2. UNHCR reform – ExCom supports that UNHCR should be more flexible, but it should not be at the expense of the morale of the staff.

The Ambassador thanked the NGOs for their valuable input to ExCom processes over the year and encouraged them to continue the good work.

Ann Blomberg thanked the Ambassador for his words. She also acknowledged the valuable perspective NGOs bring to UNHCR's governance. In this regard, NGO input to the drafting process of the ExCom Conclusions needs further refinement and should be addressed during the coming months. Similarly, the criteria applied for NGO participation in UNHCR's governing structure should be enlarged to include NGOs that are implementing and operational partners with UNHCR. She also drew attention to the side-event during the 57th session of ExCom, which would focus on the work of ExCom and its relation to the work of UNHCR. She then introduced Christine Bloch, the Rapporteur for the Annual Consultations with NGOs.

Christine Bloch summarised the proceedings of NGO consultations and presented the deliberations within the four broad themes: Durable Solutions; the UN Reform; ExCom Conclusions; and the Asylum-Migration Nexus.

On the theme of Durable Solutions, the outcome from the thematic sessions and the regional sessions in which the issue was discussed highlighted the need for a comprehensive approach to any refugee situation that involved a combination of voluntary repatriation, resettlement and local integration. For voluntary repatriation to be sustainable, the conditions for return must be satisfactory. More focus should be on peace building, early recovery, reconstruction, and on providing livelihood opportunities for returning populations. Resettlement opportunities could be pursued by increasing the number of resettlement countries holding selection missions and promote the willingness of emerging resettlement countries to resettle refugees. Local integration should be considered in multiple ways that include local settlement and self-reliance, especially when full integration involving naturalization and citizenship might not be possible.

On the UN Reform, discussion focused principally on the Cluster Approach to IDP situations. A strong NGO and UN partnership is a prerequisite for the success of cluster implementation. Although education is accepted as an integral component of emergency response, including as an important protection tool for children and adolescents, this is still not fully realized at the Field level and it remains an under-funded sector. The establishment of an education cluster was generally well accepted; however, questions remain as to its implementation and impact. Child protection must be operationalized within the cluster approach, such as through UNHCR's Age, Gender, and Diversity Mainstreaming tool.

The aim of the sessions on the theme of ExCom Conclusions was to explore how NGOs can take a pro-active role in ensuring that these conclusions are implemented. NGOs must take responsibility for making the conclusions operational and using them as advocacy tools with governments and UNHCR. Key to resolving statelessness issues is collaboration between governments, CBOs, NGOs, UNHCR and other UN agencies on programmes that prevent and reduce statelessness and identify and protect stateless persons. The session on the conclusion on women and girls at risk gave a grim account of the continuing rape, sexual abuse and exploitation of displaced women and girls who are vulnerable to a large number of gender related risks including trafficking, engagement in survival sex, and early and forced marriages. Suggested strategies to address these issues include applying the Age, Gender and Diversity Mainstreaming tool, the establishment of safe spaces for women and girls, and improved and shortened resettlement processes for those at risk. A separate session discussed how UNHCR and NGOs can better ensure a gender-sensitive approach to programming by deploying gender-sensitive staff to emergencies, training in gender-sensitive approaches, engaging in dialogue on gender issues with the community and religious leaders, and raising awareness among men of what constitutes ill-treatment of women and girls.

The Asylum-Migration Nexus remains a huge challenge for UNHCR and NGOs. The session on detention gave shocking accounts of the increase in the use of detention as a deterrent by many countries, and of the awful and inhumane conditions in many detention facilities around the Mediterranean. It is important for NGOs to work with UNHCR to lobby governments to ratify the Optional Protocol on the Convention Against Torture (OPCAT) as a mechanism to protect detainees and have refugee/migration law experts on the OPCAT sub-committee. NGOs are very concerned about the growing emphasis on border management control measures, which increased difficulties for persons in need of protection to access asylum procedures, to increased human rights violations against people on the move, and a misuse of the 1951 Convention as a migration tool, which it is not. It is necessary to strengthen protection capacities of host countries and address the root causes of migratory movements.

The full account of the Annual Consultations with NGOs delivered at the 57th Session of ExCom is annexed to this report.

Annexes

- I. Programme of the Annual Consultations with Non-Governmental Organizations**
- II. List of Participants by Organization**
- III. Agenda of Side Meetings at the Annual Consultations with NGOs**
- IV. Welcoming Address by Judy Cheng-Hopkins, UN Assistant High Commissioner for Refugees (Operations)**
- V. Opening Statement by António Guterres, UN High Commissioner for Refugees to the 57th Session of ExCom**
- VI. Presentation of the Annual Consultations with NGOs by the NGO Rapporteur to the 57th Session of the Executive Committee**
- VII. 57th Session of ExCom – Statement of NGOs to the General Debate**
- VIII. 57th Session of ExCom – Statement of NGOs on International Protection**
- IX. 57th Session of ExCom – Statement of NGOs on Programme Budgets, Management, Financial Control and Administrative Oversight**

ANNEX I

**PROGRAMME OF THE
ANNUAL CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS
27 – 29 September 2005
Palais des Nations, Geneva, Switzerland**

Wednesday, 27 September 2006

11h30 – 12h15 Plenary Session (interpretation English-French-Spanish)

Room XVII Welcome from

Nicholas Coussidis, Head, NGO Liaison Unit, UNHCR
Ed Schenkenberg, Coordinator, International Council of Voluntary Agencies
Nick Van Praag, Director, Division of External Relations, UNHCR

12h15 – 13h00 Plenary Session (interpretation English-French-Spanish)

Room XVII Opening Address

Judy Cheng-Hopkins, Assistant High Commissioner for Operations, UNHCR

13h00 – 15h00 Lunch

15h00 – 16h20 Regional Sessions

Room XXII Europe Bureau

(Interpretation: English-French-Russian-Spanish)

The regional session will discuss the Bureau's priorities and strategies in relation to Western and Central Europe and encourage an exchange of views and strategies in relation to the North Caucasus, South Caucasus and the Balkans.

Moderator: Manisha Thomas, International Council of Voluntary Agencies

Speaker(s): Pirkko Kourula, Director *joined by:*

Udo Janz, Deputy Director (Eastern Europe and the Balkans)

Guy Ouellet, Deputy Director (Western and Central Europe)

Bo Schack, Head, Policy Unit

Room XXIII Africa Bureau

(Interpretation: Arabic-English-French-Russian-Spanish)

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

Moderator: Ann Mary Olsen, Danish Refugee Council

Speaker(s): Marjon Kamara, Director *joined by:*

Golam Abbas, Head of Desk for East & Horn of Africa

Ursula Aboubacar, Head of Desk for Central Africa and the Great Lakes

Oluseyi Bajulaiye, Deputy Director (East & Horn of Africa and Southern Africa)

Marie-Christine Bocoum, Deputy Director (West & Central Africa and the Great Lakes)

Mohamed Dualeh, Head of Desk, Southern Africa

Michel Gaudé, Head of Desk, West Africa

Betsy Greve, Head, Legal Unit

David Kapya, Coordinator for the Sudan/Chad Special Operations

Arun Sala-Ngarm, Head of Desk, Sudan

Craig Sanders, Head of Desk, Chad and Darfur

Room XXIV Asia and the Pacific Bureau

(Interpretation: English-French-Spanish)

Discuss with the Director about working towards solutions to protracted refugee

situations in Asia.

Moderator: James Thomson, National Council of Churches in Australia
 Speaker(s): Janet Lim, Director *joined by:*
 Daisy Dell, Deputy Director

16h30 – 18h00 Regional Sessions

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

(Interpretation: Arabic-English-French-Russian-Spanish)

A discussion with the Bureau Director on two distinct themes:

1. Migration-Asylum Nexus - UNHCR's 10 Point Plan of Action for the CASWANAME Region
2. Cluster approach in emergencies - lessons learned from the CASWANAME region looking at Pakistan and Lebanon.

Moderator: Tarek Badawy, Africa & Middle East Refugee Assistance
 Manisha Thomas, International Council of Voluntary Agencies
 Speaker(s): Ekber Menemencioglu, Director *joined by:*
 Salvatore Lombardo, Head of Desk, Central Asia & South West Asia
 Ruvendrini Menikdiwela, Head of Desk, North Africa & the Middle East
 Radhouane Nouicer, Deputy Director

Room XXIV *Americas Bureau*

(Interpretation: English-French-Spanish)

Review of the implementation of the Mexico Plan of Action; update on the Colombia Situation; and the impact of the financial crisis.

Moderator: Elisabeth Rasmusson, Norwegian Refugee Council
 Speaker(s): Philippe Lavanchy, Director

Thursday, 28 September 2006

10h00 – 11h20 Round-table Sessions (Interpretation: English-French-Spanish)

Theme on UN Reform

Room XXIII *Implementation of the new cluster approach in situations of internal displacement*

With Uganda as an example, the session will focus on the implementation of the new cluster approach by UNHCR and its partners on the ground. The three IDP-related clusters UNHCR has assumed lead responsibility for – protection, camp coordination and management, and emergency shelter – will be at the centre of discussion. The session will look at initial experiences with, and lessons learned from, putting the cluster approach into practice at the field level, with particular attention to relations between UNHCR and non-governmental partners on the ground.

Moderator: Jens-Hagen Eschenbächer, Internal Displacement Monitoring Centre, Norwegian Refugee Council
 Speaker(s): Cindy Burns, UNHCR Uganda
 Musa Echweru, Minister of State for Relief and Disaster Preparedness, Uganda
 Lucy Hovil, Refugee Law Project
 Jamie McGoldrick, Office of the Coordinator for Humanitarian Affairs

Theme on the Asylum-Migration Nexus

Room XXIV *Combating the use of detention as a deterrent: A case study from the Mediterranean*

The session will look at how detention is used as a deterrent to stop refugee and migratory flows from sub-Saharan Africa. It will look at the conditions under which people are being detained, as well as advocacy tools that can be used by NGOs to get people out of detention or improve the conditions under which they are detained. Finally the session will look at how NGOs can develop advocacy strategies to combat this increase of detention of refugees and migrants.

Moderator: Anna Gallagher, Coordinator of the International Detention Coalition
 Speaker(s): Anja Klug, Protection Operations & Legal Advice Section, UNHCR
 Mamadou Ndiaye, Office Africain pour le Développement et la Coopération
 Esther Schaufelberger, Association for the Prevention of Torture

11h30 – 13h00 Round-table Sessions (Interpretation: English-French-Spanish)

Theme on Durable Solutions

Room XXII *Challenges of Return: Rights and sustainable solutions*

This session will explore the challenges of return for refugees and IDPs, firstly from a human rights perspective and secondly, from the perspective of protracted situations in Asia. The panellists will draw attention to some fundamental issues that must be addressed in order to achieve sustainable return and discuss UNHCR's responses to these issues.

Moderator: Peter Prove, Lutheran World Federation
 Speaker(s): Gregory Balke, Solutions and Operations Support Section, UNHCR
 Hazel Lang, Austcare
 Robyn Lui, Austcare
 Tulasi Sharma, Lutheran World Federation, Kenya

Theme on UN Reform

Room XXIII *Mainstreaming education within humanitarian response*

With education being accepted as one of the primary tools of protection, this panel will explore the importance of on-going and future coordination of emergency education interventions. Specifically, this panel will discuss the potential creation of an Education Cluster, with examples of *de facto* clusters in Uganda, DRC and Pakistan. Additionally, the panel will discuss on-going collaboration, such as the Inter-agency Network for Education in Emergencies and its development of Minimum Standards, as a means of strengthening educational quality and access and humanitarian accountability.

Moderator: Carl Triplehorn, Save the Children US
 Speaker(s): Eva Ahlen, Technical Support Services (Education), UNHCR
 Ellen Van Kalmthout, UNICEF
 Wendy Wheaton, Christian Children's Fund

Theme on ExCom Conclusions

Room XXIV *Prevention and reduction of statelessness and protection of stateless persons*

Statelessness dramatically affects the enjoyment of a broad range of human rights by approximately 11 million persons worldwide. This session aims to explore how NGOs can work together with UNHCR, other UN agencies and States to address statelessness. The session will focus on issues such as birth registration, discrimination against women in passing on citizenship to their children and resolving the nationality status of large populations in protracted stateless situations. The session will also look at recent legal developments with regard to statelessness.

Moderator: Mirna Adjami, Open Society Justice Initiative
 Speaker(s): Vera den Otter, Jesuit Refugee Service Thailand
 Philippe Leclerc, Statelessness Unit, UNHCR
 Jane Connors, Office of the High Commissioner for Human Rights

13h00 – 15h00 Lunch

15h00 – 16h20 Round-table Sessions (Interpretation: English-French-Spanish)

Theme on Durable Solutions

Room XXII *Integration: The forgotten 'solution'*

This discussion will use the case of Uganda and the self-reliance strategy to illustrate some of the issues surrounding UNHCR's approaches to integration and self-reliance. The panel will discuss the discrepancies between assistance programming for long term refugees and prospects for 'development', including an analysis of structural and institutional constraints and interests that remain as obstacles to this approach. The

panel will discuss what it knows (and what evidence it has) about 'integrated' refugees' contributions to, and acceptance within, the host economy and society. In conclusion the panel will review the variety of economic support programmes and policies that could be considered in protracted situations.

Moderator: Barbara Harell-Bond, Africa & Middle-East Refugee Assistance
 Speaker(s): Jeff Crisp, Policy Development & Evaluation Service, UNHCR
 Lucy Hovil, Refugee Law Project
 Karen Jacobsen, Tufts University
 Tania Kaiser, School of Oriental and African Studies

Room XXIII *"MSRP" - UNHCR's global implementation of the PeopleSoft software package*

The session will provide an overview of the scope, status and plans for the MSRP and give an opportunity to share views on its utility as a tool to improve working practice between NGOs and UNHCR.

Speaker(s): Anthony Salmon, MSRP and Business Solutions, UNHCR
 Alan Vernon, Organisational Development and Management Service, UNHCR

Theme on ExCom Conclusions

Room XXIV *Collaboration in addressing gender issues*

The session will discuss successful and appropriate cooperative efforts to joint gender programming in emergency responses. The panel will draw mainly on the cooperation in Chad, but also on the tsunami response in Aceh/Indonesia and others. The objective of this panel discussion is to share positive collaborative experiences and to stimulate future cooperation between the NGOs, the UNHCR and other UN agencies as suggested in the attached draft handbook on Addressing Gender Issues in Emergencies prepared by the IASC.

Moderator: Manisha Thomas, International Council of Voluntary Agencies
 Speaker(s): Philippe Boguel, Secours Catholique et Développement
 Salvatore Lombardo, Head of Desk for Central Asia and South West Asia, UNHCR
 Jutta Teigeler, Oxfam GB

16h30 – 18h00 **Round-table Sessions** (Interpretation: English-French-Spanish)

Theme on Durable Solutions

Room XXII *What are the strategies for countries supportive of resettlement?*

Debate how to develop specific national advocacy strategies, involving UNHCR and NGOs in countries supportive of resettlement activities, to maintain and increase current levels of resettlement. How do stakeholders need to advocate for formal national resettlement programmes? Identify existing measures being developed by UNHCR, regional organizations (i.e. EU) and individual governments with the objective of facilitating resettlement activities. Debate how States and NGOs from countries supportive of resettlement activities can make the most of such measures. Identify lessons learned in emerging resettlement countries and countries supportive of resettlement activities. Discuss ways of further facilitating regular sharing of information, expertise and best practises on resettlement between UNHCR, European and non-European NGOs. Discuss how these could represent a useful complement to the ATC process. Identify key aspects in capacity building of NGOs in countries supportive of resettlement activities. Discuss the extension of current UNHCR capacity building programmes on resettlement in favour of NGOs from countries supportive of resettlement activities.

Moderator: Ana Monica Farinha, Portuguese Refugee Council
 João Vasconcelos, Portuguese Refugee Council
 Speaker(s): Vincent Cochetel, Resettlement Service, UNHCR
 Cândido Feliciano Da Ponte Neto, Caritas Arquidiocesana do Ríó de Janeiro
 Julia Fernandez Quintanilla, Asociacion Comision Catolica Española de Migración
 Richard Parkins, Refugee Council USA

Theme on UN Reform

Room XXIII *Children's protection and humanitarian reform*

The panel will comment on the impact of the cluster model and other aspects of humanitarian reform on assistance and protection of children (regardless of their status - refugees, IDPs, asylum seekers, returnees, etc). As 50% or more of the caseload in any emergency, how have children's risks and needs been assessed? Are the gaps regarding their access to humanitarian relief been addressed? How has the role of "cluster lead" and "the provider of last resort" worked in practice on the ground?

Moderator: Amelia Bookstein, Save the Children UK

Speaker(s): Luc Chauvin, UNICEF

Ron Pouwels, Community Development, Gender Equity & Children Service, UNHCR
Dan Rono, Save the Children USA

Theme on ExCom Conclusions

Room XXIV *They don't talk about rape!! Improving protection for refugee women and girls*

The continuing rape, sexual abuse and exploitation of refugee women and girls is well documented. There are excellent UNHCR Guidelines in place to address the issue, yet these are seldom implemented. This panel will explore the challenges of providing protection for refugee women and girls. These include lack of resources, camp conditions which deprive them of the right to earn income, lack of community involvement, and monitoring. A major problem is that of political will, and negative and dismissive attitudes from many service providers. Workable solutions will be proposed to address these problems and discussed with the participants from the floor. Strategies will be tabled to ensure the implementation of measures included in the new Conclusion on Women at Risk.

Moderator: Eileen Pittaway, UNSW Australia and Asian Women's' Human Rights Council

Speaker(s): Karuna Anbarasan, Community Development, Gender Equity & Children Service, UNHCR

Linda Bartolomei, Centre for Refugee Research, UNSW Australia

Dale Buscher, Women's Commission for Refugee Women and Children

Lavinia Limon, U.S. Committee for Refugees and Immigrants

18h30 *Reception – UNHCR Cafeteria*

Friday, 29 September 2006

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

Room XVII *Asylum-Migration Nexus*

Exploring the asylum-migration nexus from a regional perspective

Moderator: Elizabeth Ferris, World Council of Churches

Speaker(s): Erika Feller, Assistant High Commissioner for Protection, UNHCR

Mamadou Ndiaye, Office Africain pour le Développement et la Coopération

James Thomson, National Council of Churches in Australia

11h30 – 12h00 *Plenary Session* (interpretation English-French-Spanish)

Room XVII *Linkage to ExCom*

Summary wrap-up on the proceedings of the 2006 Annual Consultations with NGOs

Moderator: Ann Blomberg, Permanent Mission of Sweden, Rapporteur for the ExCom Bureau

Rapporteur: Christine Bloch, Jesuit Refugee Service

ExCom Chair: Ichiro Fujisaki, Ambassador, Permanent Mission of Japan and Chairman of the Executive Committee

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

Room XVII *Closing Address by*

António Guterres, UN High Commissioner for Refugees

ANNEX II

List of Participants by Organization

Action by Churches Together International

Mr Michael HYDEN
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Geneva, Switzerland
mhy@act-intl.org
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www.act-intl.org

Adventist Development & Relief Agency

Mr Frank TEEUWEN
Chief Emergency Management
Silver Spring, United States of America
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ANNEX III

**Agenda of Side Meetings at the
Annual Consultations with Non-Governmental Organizations**

Wednesday, 27 September 2006

13h30 – 15h00 Room XXIII

Implementation of the Best Interest Determination Guidelines

Ron Pouwels, Community Development, Gender Equity & Children Service, UNHCR

Adriano Silvestri, Solution and Operations Support Section, UNHCR

Jane Warburton, Child and Youth Protection Development Unit, International Rescue Committee

In May 2006 UNHCR published a provisional release of the UNHCR Guidelines on Formal Determination of the Best Interests of the Child. Over the last months Field Offices has started to implement the Guidelines, often in close co-operation with NGOs and competent national authorities. The purpose of the meeting is to discuss the initial feedback received from the Field on the implementation of the guidelines, including the main challenges so far identified.

13h30 – 15h00 Room XXIV

**Getting Fuel on the Map: Promoting a coordinated strategy for addressing fuel needs in
conflict-affected settings**

Erin Patrick, Women's Commission for Refugee Women & Children

The risks to displaced women and girls – including rape, assault, abduction, exploitation and murder – associated with firewood collection have been well known to the humanitarian community for years. Despite this fact, few effective strategies are yet in place to combat the problem. The Women's Commission's Fuel and Firewood Initiative will support the physical integrity and protection from violence of displaced women and girls during fuel collection by ensuring that fuel and related issues are mainstreamed on the humanitarian agenda from the earliest stages of a crisis. This session will outline the findings and recommendations of the Women's Commission's recent report Beyond Firewood, and discuss and solicit feedback on the Initiative's next steps, including pilot projects in Darfur and Chad; creating a "home" for fuel-related initiatives within the UN system; and promoting the development, use and eventual institutionalization by the humanitarian community of a coordinated fuel strategy during all phases of refugee and IDP crises.

18h00 – 19h30 Room XXII

Refugee All Stars

Michel Gaudé, Africa Bureau, UNHCR

A viewing of a documentary film "The Refugee All Stars" about a Sierra Leonean refugee band in Guinea. The documentary won several international film awards, including the Grand Jury Prize for the best documentary American Film Institute (AFI) international Film Festival in November 2005.

Thursday, 28 September 2006

09h00 – 10h00 Room XXIII

Exporting the Australian Model – The case of Afghanistan

Zeena Elton, Edmund Rice Centre;
Kate Gauthier, A Just Australia

Researchers from the Edmund Rice Centre in Australia recently visited Afghanistan to monitor returned asylum seekers in order to examine questions concerning Australia's failure to meet the requirement of effective protection. Researchers found that as many as 9 Afghans including 3 children, seeking asylum in Australia who were returned from the Pacific island of Nauru were killed following their arrival in their home country. Serious questions have emerged concerning Australia's procedures in relation to refoulement which will be the focus for this discussion.

13h30 – 15h00 Room XXIII

**Responding to Allegations of Sexual Abuse and Exploitation of Persons of Concern
by Aid Workers**

Radha Ivory, International Council of Voluntary Agencies;
Katharina Samara-Wickrama, International Council of Voluntary Agencies;
Natalia Tapias, FilmAid International

Reports of exploitation and abuse in refugee camps in West Africa and Nepal in 2002 and again in Liberia in 2006, demonstrate that NGOs working with persons of concern must anticipate allegations of sexual exploitation and abuse (SEA) by members of their staff. This session will explore two initiatives developed by NGOs to improve their capacities to receive and respond to allegations of abuse by aid workers. Through the presentations, attendees will gain valuable insights into successful training and communication techniques for combating SEA of beneficiaries by humanitarian staff.

Katharina Samara-Wickrama will present on the work of the Building Safer Organisations (BSO) project to train NGO staff to conduct and manage investigations into beneficiary SEA complaints. These programmes were rolled-out successfully in 5 regions in the first half of 2006 and will be accompanied shortly by training materials and guidelines on complaint investigation and management.

Natalia Tapias will discuss the Preventing Sexual Exploitation and Abuse (PSEA) project in Kenya. A partnership of 14 NGOs, PSEA works to prevent SEA by aid workers in Kenyan refugee camps by raising beneficiary awareness of SEA and generating interagency protocols on complaint mechanisms. PSEA is widely regarded as a model of interagency cooperation on SEA issues.

13h30 – 15h00 Room XXIV

UNHCR Refugee Status Determination: Progress towards reform?

Tarek Badawy, AMERA-Egypt; Moderator: Christine Bloch, Jesuit Refugee Service;
Michael Kagan, African Middle-East Refugee Assistant;
Amy Slotek, Helsinki Citizens Assembly Refugee Legal Aid Project (Turkey);
Rick Stainsby, Status Determination & Protection Information Section, UNHCR;
Samira Trad, Frontiers Association (Lebanon); Judy Wakahiu, Refugee Consortium of Kenya

In 2005, UNHCR published its first ever standards for fairness and due process in refugee status determination by its own field offices. The standards were welcomed by NGOs as a step forward, but also drew criticism because they stop short of the normal standards of due process promoted by UNHCR for refugee cases adjudicated by State. Examples include: giving applicants reasons for rejection, allowing applicants to see the evidence used in their cases, and providing an independent appeal system. UNHCR officials called the Guidelines a "living document," promising they could be revised in the future and that they would reconsider the policy on access to evidence. A year later, NGOs have complained that Standards

are not being implemented consistently, and are calling on UNHCR for more determined steps toward RSD reform.

Friday, 29 September 2006

09h00 – 10h00 Room XXIII

No Refuge: The Crisis of Refugee Militarization in Africa

Iain Hall, Emergency and Security Service, UNHCR

Keith Krause, Small Arms Survey

Mathijs Le Rutte, Division of International Protection Services, UNHCR

Robert Muggah, Editor of *No Refuge*, Small Arms Survey

Co-published by the Small Arms Survey and the Bonn International Center for Conversion, *No Refuge* provides compelling evidence of the specific relationships between arms flows and the militarization of refugee and internally displaced person (IDP) camps throughout the African continent. The volume reflects on the extent to which refugees and IDPs are voluntarily and involuntarily drawn into cross-border and internal conflicts in Guinea, Rwanda, Tanzania, and Uganda and the implications for protection and asylum.

09h00 – 10h00 Room XXIV

Palestinian Vulnerability to Forced Displacement

Bill Frelick, Human Rights Watch;

Karine Mac Allister, Badil Resource Center;

Nathalie Mivelaz, Center on Housing Rights and Eviction (COHRE)

Palestinians have faced numerous waves of displacement since at least since 1948. Today, many Palestinians, both refugees and non-refugees, are still vulnerable to displacement. This meeting aims to discuss the current situation of Palestinians and the appropriate response to their ongoing displacement.

Human Rights Watch will present its recent report on the situation of Palestinian refugees in Iraq, "Nowhere to Flee: The Perilous Situation of Palestinians in Iraq" while Badil Resource Center will present its joint report with the Internal Displacement Monitoring Centre on the situation of Palestinians in the occupied Palestinian territories, "Displaced by the Wall, Forced Displacement as a Result of the West Bank Wall and its Associated Regime". The Center on Housing Rights and Eviction will discuss the relevant legal instruments to respond to forced displacement.

ANNEX IV

**WELCOMING ADDRESS BY JUDY CHENG-HOPKINS, UN ASSISTANT
HIGH COMMISSIONER FOR REFUGEES (OPERATIONS)
ANNUAL CONSULTATIONS WITH NGOS
27 SEPTEMBER 2006**

Ladies and gentlemen, partners and friends,

It is a pleasure for me to open this year's annual consultations with you -- our vital and valued NGO partners. It is encouraging to see so many of you in this room today, which is a testament to your commitment to the wellbeing of refugees and others forcibly displaced. The rich and varied experience that each of you bring to these consultations is both welcome and necessary as we strategize and reach out together to find ways to better deliver protection and find solutions for these people.

When I joined UNHCR earlier this year, I committed myself to giving priority to three issues: improving UNHCR's emergency response, taking forward our strategy and programmes for IDPs, and finding solutions to protracted situations. I would like to return to these three key issues today as they form the core of much of what UNHCR does and how we will be judged by the international community. They are also the focus of many of our partnerships with you. The reality today is that no humanitarian organization can go it alone; we increasingly rely upon partnerships and collaborative mechanisms to deliver protection and solutions to our persons of concern.

Emergency response

Let me first touch on emergency response. UNHCR's emergency response capacity is largely dependent on how fast we can get the right people and the necessary relief items to the areas where they are most needed. Often, however, we face considerable constraints in gaining humanitarian access to areas where refugees and IDPs are found due to the prevailing conflict and security situations which led to the displacement in the first place.

The crisis in Lebanon proved to be a clear example of these limitations. The logistics and security frameworks established at the outset of the crisis were major complicating factors in the UN's emergency response, impacting on our ability to deliver aid and assess needs. Yet, despite all this, within a period of weeks during the conflict, UNHCR managed to mobilize its best and brightest, delivering 8,500 tents, 158,000 blankets, 68,000 mattresses and thousands of other needed relief items to the conflict zone and in Syria.

As for security, while recognizing the real risks and necessity for enhanced security, particularly in the post-Iraq environment, there is clearly a need to better utilize local networks and knowledge. NGOs can and do play an important role in facilitating such cooperation and collaboration. In fact we have to admit that during the Lebanon crisis they sometimes had earlier and better access to affected populations than the UN agencies. I could not help but smile when I read a recent piece in the Herald Tribune commenting on the fact that the UN in Beirut confined its operations to the Movenpick Hotel; with the exception of UNHCR, I am tempted to say, because of the several instances our staff may have operated on the margins of rules and regulations. Let me say no more.

In terms of staffing, it is very encouraging to note that NGOs and other organizations are playing a significant and welcome role through, for instance, the SURGE project with the International Rescue Committee, and arrangements with the Norwegian and Danish Refugee Councils as well as

the Swiss Agency for Development and Cooperation, just to name a few. We also have long-standing agreements with Save the Children Norway and Sweden. These deployment schemes are proving invaluable and certainly have become a prominent and vital feature of UNHCR's emergency response capacity today. A joint MOU has been signed between NRC and UNHCR on strategic partnership, which is a development we would also welcome with other partners.

We are endeavouring to bring our emergency response capacity up to a level which enables us to respond to an emergency of up to 500,000 persons. Whereas we have made significant progress in establishing the necessary stand-by staffing arrangements and operational support systems, we have not yet reached the same level with regard to relief items. Currently we are able to respond to the NFI needs of some 350,000 people. Our goal is to increase this further by year-end. Let me not forget to mention, however, that one of the crucial elements of emergency response is the mainstreaming of protection. Certain issues need to be observed from the outset of an emergency in order to counter negative effects and to ensure equitable access to protection and assistance.

Linked to these issues are internal resource allocation mechanisms, which have to be made more responsive. This requires an enhanced capacity to plan strategically and a supply chain integrated into operations as well as adequate delegation of authority. We are already in the process of moving our Supply Management Service into the Department of Operations. For the time being, however, managers are limited in their capacity to draw on funds to allow for the rapid deployment of relief items and enter into agreements with operational partners. There are a number of proposals to improve this situation and streamline processes as part of the change management initiative. I look forward to putting these into practice in the coming months.

IDPs

Let me now shift focus to IDPs. The cluster approach agreed within the IASC is proving to be a valuable means to share information, provide clarity in coordination and build consensus around proposed activities. A primary focus of our work in cluster roll-out countries is to strengthen our relationships with NGOs and other humanitarian partners. We are now seeing the fruits of this collaboration in Uganda, for instance, where the protection cluster is implementing a joint IDP return strategy that brings together a wide range of humanitarian actors. In the DRC, enhanced cooperation has led to greater freedom of movement in certain areas and to greater attention being paid to humanitarian concerns in military operations. Common strategies have been developed by consensus. UNHCR has made a huge leap in terms of expanding its field presence in both Uganda and DRC, with field offices established or expanded to be able to respond closer to the affected populations.

I have heard some of the misgivings that many of you have voiced about the cluster approach. While it is far too early to criticize it, since it was only put in place a few months ago, I nevertheless welcome your questions and probing of the true value added of the approach. It is only through this kind of vigilance that we will be able to make the system work.

Although the discussion on our involvement with IDPs is for the time being largely centred around the cluster approach and the initial four roll out countries (Democratic Republic of the Congo, Liberia, Uganda and Somalia), to which Côte d'Ivoire and Lebanon have since been added, I would also like to stress the importance and centrality of our work in other IDP operations whether in Colombia, East Timor, Nepal, Georgia, Sudan and elsewhere. Even if the cluster approach has not been activated in these IDP operations, we are nevertheless reinforcing our partnerships and collaboration with NGOs like yours on the ground.

During a recent informal consultative meeting with ExCom, some participants expressed their wish to see UNHCR pronounce itself more clearly on the strategic vision for our involvement with IDPs. This is a welcome development and confirms once more the broad support we are receiving for our efforts. UNHCR is approaching this carefully in light of the fact that Governments bear the

primary responsibility for the protection of their own citizens, and that we operate in an inter-agency framework. It is clear, however, that there is no turning back on our involvement with IDPs. Rather we will strengthen the gains already made, building on the broad experience we have accumulated so far. It also means deepening our partnerships with NGOs and other humanitarian actors who can sometimes deliver more effectively and efficiently due to their presence on the ground and their knowledge. This implies the development of a changed profile of managers within the organization; those who are able to coordinate and lead, not just “do”. Internal training programmes are being adapted to provide staff with these skills.

Protracted situations

The third issue that I am giving priority to is the search for solutions to the many protracted refugee situations that exist around the world. Much has been written about the causes and detrimental consequences of these situations. According to UNHCR statistics, over 5 million refugees remain in more than 20 protracted situations, each involving more than 25,000 refugees over a period of at least five consecutive years. Fortunately, there are signs of hope in several of these situations that we are aiming to build upon.

In Nepal, a country I visited recently, there are promising indications that new opportunities are emerging. The resettlement of 16 vulnerable refugee women is underway and the Government has agreed to the registration of the camp-based populations. These are small breakthroughs that we hope will lead to broader opportunities for solutions for the 106,000 Bhutanese refugees remaining in camps in the eastern part of Nepal.

There are also positive signals in Thailand following the High Commissioner’s recent visit. The authorities have indicated their willingness to consider local strategies to resolve the situation of the 140,000 refugees from Myanmar who have been living in precarious conditions on the border for over 10 years. There is also renewed interest in resolving the situation of some 20,000 Rohingya refugees living in camps in Bangladesh.

After over 20 years of civil war, in South Sudan, the prospects for the return of refugees from surrounding countries are also looking positive. Out of the overall population of some 542,000 refugees registered in neighbouring countries, over 13,000 have already returned this year with UNHCR assistance. Many more have returned spontaneously. We are optimistic more will be able to go back by the end of the year. Funding constraints, however, are limiting our capacity to facilitate their return and to support their reintegration. We are looking to development agencies to increase their involvement in the region and begin investing in the longer-term reconstruction effort. This is another dilemma, with the development needs being so large.

A number of other voluntary repatriation operations are well underway elsewhere in Africa. Some have matured to the point where discussions have been initiated with concerned governments on the local integration of refugees who have opted to remain in asylum countries. This is true, for instance, in Angola, where it has been found that more than 90% of remaining refugees from the DRC wish to locally integrate. In Guinea, the Government has offered the possibility for remaining Sierra Leonean refugees to naturalize. Similarly in Sierra Leone, the authorities have expressed a willingness to allow Liberian refugees to locally integrate. These are all very encouraging developments that we intend to build upon in the coming months.

Ladies and gentlemen, esteemed partners,

Over these past several months, I have been struck by the steadfast dedication demonstrated by colleagues in bringing protection to those who most desperately need it. Be it ensuring that fundamental rights are upheld or providing tents, blankets and mattresses, each and every activity we engage in has protection at its core.

Allow me to extend my appreciation to all of you who are here today. Thank you for listening and for your unwavering support over all these years, which is truly indispensable for UNHCR to be the effective organization that it is today.

ANNEX V

**OPENING STATEMENT BY ANTÓNIO GUTERRES,
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES TO EXCOM**

57TH SESSION OF EXCOM : 2-6 OCTOBER 2006

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

I would like to welcome you all to the fifty-seventh session of the Executive Committee, particularly new members Jordan and Portugal.

I would like to congratulate our Chairman, Ambassador Fujisaki of Japan, and applaud the energy and engagement with which he approached his responsibilities. Ambassador, I am grateful for your personal involvement with us this year. Thank you very much.

Ladies and Gentlemen,

1. This is a moment of truth for UNHCR. Both by choice and out of necessity, we face three major challenges simultaneously. The first is a reassessment of our mission. We must remain faithful to our mandate while meeting the demands of a changing world, shifts as consequential as the international community redressing one of its greatest failures, the neglect of internally displaced persons. The second is the pressing need for a deep structural and management reform, which is absolutely indispensable if we are to build a stronger, more effective organization able to generate and direct more resources to the people we care for. The third challenge is a renewal of our top management, affecting, over one-and-a-half years, 10 members of the Senior Management Committee.

We face these challenges willingly and with determination, even if we would not have chosen to meet them all immediately and at the same time.

A year ago, I made a number of commitments – to you, our governance body, our partners, our staff, and, most importantly, to the people we serve. It is time now to see where we stand.

2. First commitment. To strengthen UNHCR's identity as a protection agency.

That identity, as I said last year, should inform everything we do. At a time of rising intolerance, fuelled by security concerns and confusion in public opinion between migrants and refugees, we are bound first to preserve asylum and rebuild trust in asylum systems. I want to call on humanitarian and rights-minded politicians and concerned members of the civil society and media; we need to work together and UNHCR is willing to cooperate with all. Critical developments are taking place – many of them deliberately encouraged by populism in both politics and the media, taking us in the wrong direction. We must be vigilant and remain a voice of reason and tolerance.

To preserve asylum is also to firmly oppose all forms of refoulement and guarantee respect for international refugee law. International refugee law that cannot be superseded by national legislation, extradition treaties, or redefined by bilateral arrangements.

The situations which I referred to last year – from Uzbekistan to North Korea – remain of grave concern to UNHCR. An important exception, which I am glad to be able to cite here today as a

step forward given the debate we had here at ExCom, is the impeccable treatment afforded to recent Rwandan arrivals in Burundi. Burundi authorities are applying proper asylum procedures in an open and collaborative fashion, and with the result that most in the present circumstances are found not to be of concern to our Office, returning normally to Rwanda where they are well received. The few whose claims are accepted are granted adequate forms of protection and assistance in Burundi.

To strengthen protection we must build capacity everywhere. Not with the paternalistic notion that this concerns only the developing world, but with the understanding that strengthening protection capacity is necessary in both north and south. Building skills, institutions and coalitions cannot serve to 'outsource' protection, but rather as an instrument of international cooperation and solidarity, to make real and fair burden sharing possible.

Protection is at the centre of our concern to reduce statelessness. Traditionally, UNHCR has focused on giving legal advice to States. True, we were able to resolve statelessness situations with practical assistance in the Ukraine, FYR Macedonia, and Sri Lanka by helping hundreds of thousands of stateless individuals obtain a nationality, and are now involved in a meaningful cooperation programme with the Russian Federation. But such success stories have been too rare. We want to change that.

We will do so with operational support and through inter-agency collaboration. This involves concrete measures to reduce and prevent statelessness, such as working on birth registration campaigns with UNICEF, population census with UNFPA, electoral assistance with the UN Department of Political Affairs and UNDP, and public awareness with the NGO movement and with the states themselves. Our goal is to enable these forgotten people to become nationals of a state or, at the very least, to enjoy the basic human rights conferred by a legal identity.

Protection is also at the centre of the new emphasis given to our engagement in relation both to internal displacement and the migration-asylum nexus. The Division of International Protection Services is increasingly a service-oriented support to the field with direct responsibility for the units working on durable solutions to refugee situations. Protection will be taken closer to the people we care for, including moving more staff to regional offices. We are rolling out a new accountability framework for age, gender and diversity mainstreaming. Its format engages managers at all levels, and I take it very, very seriously when I go on missions.

UNHCR now has an Assistant High Commissioner for Protection, Erika Feller. With DIPS, she will lead a debate across the organization on pressing challenges in protection. Issues such as mixed flows, data protection, facilitation and promotion of voluntary repatriation, sexual and gender based violence, statelessness, exit strategies, exclusion in a time of terrorism, alliances for protection, resettlement and internal displacement. A Protection Reference Group, gathering Representatives from the field, will help drive the discussions. I welcome and encourage ExCom members' participation as we review and redefine our approach to all these critical issues. This might be a good reason to revive the former Forum.

3. Second commitment. To make UNHCR a predictable and fully-engaged partner in the new approach to situations of internal displacement.

We are now part of the collective response by the UN system and the broader humanitarian community, and in that context have assumed leading responsibility for the protection, emergency shelter and camp coordination and management clusters. Lessons learned from the implementation in the four pilot countries – Uganda, the Democratic Republic of the Congo, Liberia and Somalia – will guide us in the future. The cluster approach has opened up new opportunities for durable solutions – in Uganda, for example, it has been instrumental in the return home of over 300,000 people until now, transforming what was a dramatic humanitarian situation into a potentially remarkable success story.

For the new approach to be effective we have insisted strongly on three main concerns: that it be flexible and adapted to reality on the ground and, where necessary, the theory made to fit reality, not vice versa; that its framework should be light and non-bureaucratic, the reason we did not create a dedicated unit for this at Headquarters; and that we proceed on the understanding that all humanitarian actors, including the Red Cross and Red Crescent and the NGO movements, need to be effectively engaged in the process as full strategic partners that think together, plan together, and act together.

A partnership based on a dialogue among equals for true shared responsibility. Of course, this must also be true of our partnerships in other areas. We are working to become a reliable partner for NGOs and sister agencies alike with more reliable data, better allocation of limited resources and coverage of priority needs, improved participatory needs assessment and planning exercise.

Several UNHCR country operations have not been slated for the roll-out of the so-called cluster approach. Here, we are not and we will not wait for an official notification but will try to respond according to the needs of the people and our own ability. This is why we are currently reassessing our capacities in Colombia, Sri Lanka, and the North and South Caucasus, where we have been involved for a long time, and why we have encouraged the request by the UN Country Team of a protection cluster in Côte d'Ivoire.

At the same time, faced with a situation like Darfur, the role of organizations such as ours is severely constrained. That may seem intolerable, yet our desperation is nothing next to that of the victims and millions of displaced. In the absence of a clear framework for the exercise of the so-called responsibility to protect, the international community remains basically powerless. The insecurity bred in Darfur has spread to Chad and threatens the Central African Republic itself.

4. Third commitment. To effectively address the protection concerns in mixed population flows, the so-called migration-asylum nexus.

Ladies and Gentlemen,

Allow me to speak for a moment as a simple citizen of the world. Population movements will be one of the key issues of the 21st century. Globalisation is a fact of life. But it is an asymmetric phenomenon and can exacerbate existing disparities and disadvantages. Money moves unimpeded; goods and services, not as freely; and persons, much less so. But international exchanges work and the global labour market is increasingly a force to be reckoned with. Here also, supply will move to meet demand. Legally if it can; illegally if it must.

This is why curbing illegal migration is not only a question of controlling borders but requires a comprehensive response, including meaningful opportunities for legal migration, development cooperation strategies targeted at the most vulnerable situations so that people are not compelled to move out of sheer despair, and international cooperation in the management of migration flows and in a convincing crackdown on smugglers and traffickers.

Obviously, these are areas that extend far beyond UNHCR's direct responsibilities. We know the difference between a migrant and a refugee and we do not want to become a migration management agency. But we are witnessing more and more movements with the character of mixed flows, where the large majority are migrants but where there are also people in need of international protection: refugees, women victims of trafficking, unaccompanied minors... Our role is to help create the environment where these people can be detected and afforded protection. They must be granted physical access to asylum procedures and a fair treatment of their claims. Measures aimed at curbing illegal migration must never be allowed to call those rights into question.

Protection capacity must be built everywhere, reaching from the places of origin through countries of transit to final destinations. UNHCR itself is committed to increasing its capacity in relevant parts of the world. Our 10-point plan of action, to be piloted now in the situations confronting North Africa and Southern Europe, sets out measures which can be incorporated into migration procedures to address asylum – without compounding the irregular migration issue, or acting as a pull factor. I believe UNHCR can provide practical support to States, helping them to identify those in need of protection, providing country-of-origin information, building national capacities and using our good offices including through resettlement.

UNHCR was fully committed to the Secretary-General's High-Level Dialogue on Migration which met in New York two weeks ago. We are equally engaged with the Geneva – now Global – Migration Group, whose last meeting I had the honour of chairing, and stand ready to support any initiative of the member states.

5. Fourth commitment. A stronger emphasis on solutions with particular focus on the sustainability of returns and the enhanced role of resettlement, two of the main concerns of Convention Plus, which has been mainstreamed in the Office.

The resettlement service has been created and our capacity is improving, both in the number and quality of referrals. Resettlement for UNHCR is not simply a protection instrument but also a strategic durable solution. We are deeply committed to working with resettlement countries to remove obstacles and increase their annual quotas. I want to emphasize our cooperation with the United States, by far the largest resettlement country, to overcome the negative impact of the material support regulations on refugee admissions, with the first results seen already for Karen refugees in Thailand. Australia and Canada remain two very important partners in resettlement, which is gaining ground in Europe and, following the adoption of the Mexico Plan of Action, in Latin America.

Voluntary return remains for us the preferred durable solution. But its sustainability in many situations around the world is a dramatic concern.

On a mission in March to the Great Lakes, I watched together with the leaders of UNICEF and WFP as several hundred Congolese returnees disembarked from the boat bringing them home from Tanzania. They were filled with anticipation and greeted with shouts and music from crowds of family and neighbours. While 120,000 Congolese refugees remain in Tanzania, 23,000 came back to the DRC with our assistance this year. But enthusiasm can be short-lived when years of conflict and neglect have completely destroyed infrastructure and institutions, and where insecurity and human rights violations are difficult to eradicate.

South Sudan, an area the size of Western Europe, was gutted – its roads, schools, and hospitals destroyed and much of its human talent killed or uprooted. Since the 2005 peace agreement, UNHCR has opened offices and actively promoted community-based projects in areas of origin. But needs are enormous and refugees are wary of repatriating before knowing they will be able to eke out a living or reach medical care. Despite the resilience of the people, it is naïve to expect that pots, pans and hope are enough to begin life over.

In Burundi, successful national elections a year ago buoyed expectations that the 190,000 refugees in Tanzania would soon repatriate. But returns in an agricultural economy will always vary with the season and can be affected by drought and the lack of viable alternatives. A crop failure may effectively condemn a family to exile.

Despite many well-known difficulties, returns to Afghanistan – though lower than in previous years – have been the largest in the world for the fifth year running. But we remain deeply concerned about people who go back home full of hope and enthusiasm in the present complex environment.

In Liberia, a very successful political transition has been achieved with remarkable political leadership now in place. But let us not forget that last year's state budget was only US\$80 million, compared with US\$800 million for the UN peacekeeping mission, and a teacher's salary just \$20 a month. When I visited Monrovia a few months ago, there was still no electricity, no running water, no working sewage system and no garbage collection. Things are improving, but the international community must understand the importance of quick wins to gain the confidence of the people in a post-conflict situation.

In any operation, the promotion of return comes only after minimum conditions are met and we are able to verify that people will be safe following their repatriation. But in extending this option we routinely ignore the elephant in the room: returnees cannot live on hope alone.

Addressing transition problems after wars or conflict end and before sustained development is in place is not something at which the international community excels. UNHCR is a member of the UNDG and is engaged in a promising cooperation with UNDP. We will work actively at the global level with the Peace building Commission, seconding a staff member to its Support Unit, and will be involved in its pilot programmes in Burundi and Sierra Leone.

I also want to appeal for a combined effort with the fullest possible use of all durable solutions in order to solve, at last, the most protracted refugee situations, like the Bhutanese in Nepal or the Rohingyas in Bangladesh.

6. Fifth commitment. To re-establish a quick, agile and flexible emergency response capacity.

Over the past year our emergency teams have been active in Lebanon, Timor Leste and the valleys of northern Pakistan. We sent 3,500 tonnes of relief supplies to Pakistan in the first weeks to help tens of thousands of survivors of last October's earthquake. We are grateful for the offer of an emergency airlift, without which this massive effort would not have been possible.

Events in Lebanon also showed the importance of robust logistics capacity and, as a result, we have decided that a revamped supply and management service will now be integrated in DOS and work in collaboration with our emergency unit. The new Policy Development and Evaluation Service has already completed a real-time evaluation of UNHCR's response to the emergency in Lebanon and Syria. I was briefed by the evaluation team last Thursday, shortly after their return from the region, and senior managers will now use their findings and recommendations to make other relevant changes and improvements. We need to be able to act quickly on learning what we did not do right.

In Timor Leste, after the violence last summer, 22 UNHCR international staff were immediately mobilized to take part in the humanitarian response.

UNHCR's emergency response abilities are being strengthened. Quick and efficient deployment of expert staff and relief material almost anywhere in the world has been a hallmark of the Office. By 2007, our target is to be able to respond to an exodus of 500,000 people.

Under the leadership of our new Assistant High Commissioner for Operations, Judy Cheng-Hopkins, in close cooperation with the Division of Operational Services, we have increased the number of staff available at any time for immediate deployment. Financial limitations are hindering our ability to establish the desired level of emergency stockpiles. Depending on the item, current levels now cover the needs of between 300,000 and 500,000 people, but we have been forced to delay orders for larger quantities of our lightweight tents, key to our responsibilities in the emergency shelter cluster and in refugee crises, which for the moment are only sufficient for 100,000 individuals.

7. Sixth commitment. Reform: the structural and management change process. To make the organization more flexible, effective and results-oriented based on a thorough review and reform of its procedures and structure.

Reform is essential for UNHCR's long-term sustainability. It is true that the relationship between field support and administration costs on one side and operational costs on the other has remained stable. But over the past 15 years, the percentage of staff costs in relation to operational costs has risen steadily. Of course, a large share of staff costs includes protection work and is an integral part of operations. But the trend means that fixed costs represent an ever-greater portion of our expenditures and that we have been correspondingly less and less flexible when phasing out or down-scaling operations, or when we are forced to make budgetary adjustments. And it means that financial problems have increasingly affected the core of our activities.

In 2006 we reached a dangerous benchmark. For the first time, UNHCR is likely to spend more money on staff and ABOD (Administrative Budget and Obligation Document) than on what is classified in the budget as operations. It is true that this is an artificial distinction as, I repeat, a large part of our staff costs are in fact operations. But it is also true that doing things more and more by ourselves, rather than doing them with partners, makes us less and less flexible and able to adapt. This is obviously not sustainable and needs to be addressed, because it would be morally unacceptable for a structure to become an end in itself.

The Change Process, led by Director for Structural and Management Change Raymond Hall, has been systematically reviewing our processes, structures and staffing to make sure that they are fully aligned with the challenges we face in a changing humanitarian environment. We owe it to our beneficiaries, be they refugees or the increasing numbers of internally displaced persons, to give top priority to meeting their needs. Our review of Headquarters is therefore examining what kind of field support can be moved closer to the point of delivery in order to maximize its impact. It is also looking at the cost effectiveness of our administrative services, how back-office functions should be carried out, and whether they should remain in Geneva or be placed elsewhere. Meanwhile, the field review is considering the way we deploy in capitals, sub- and field offices, and the balance – between national and international staff – of our workforce in operations, along with how much we do ourselves versus how much is implemented through partnerships with others.

Of course, moments of change like this one always engender anxiety and uncertainty. I understand this. The Office has been and will be very actively engaged in the preparation of proposals for reform. The Director has been meeting weekly with the Staff Council and ensuring that conditions exist for staff to be fully informed of what is on the change agenda. This month, he begins broad consultations with staff on proposals in several areas. It is our clear intention that all proposals will be submitted to effective consultations with staff and that decisions will be based on the establishment of a clear business case after a thorough feasibility study. Reform will be driven not by ideological preference but by evidence.

We must be sensitive to the legitimate concerns and interests of the staff beyond the full respect of their rights. The reform will also introduce a number of changes aimed at the improvement of working conditions. An annual global staff survey will soon be introduced, along with a management assessment framework. We are at the same time working on new proposals to address, in a systematic way, the problems of staff welfare in difficult duty stations. We have taken all the decisions to guarantee that UNHCR becomes fully compliant with Minimum Operating Safety Standards, regardless of cost. And here I want to pay respect and tribute to the courage and sacrifice of our staff members who lost their lives in the line of duty in the past 12 months.

All this is very important for us, but we cannot forget our moral obligation to the people we care for. When we still cannot provide enough support for refugees wanting to repatriate, when only a fraction of refugees have access to the latest malaria protocol or antiretroviral medication and when

we are unable to prevent or respond to known cases of SGBV, we cannot accept that money that should be spent on the people we care for is spent unnecessarily on the organization.

Reform is also focusing on the efficiency of our processes. Key to our responsiveness is our ability to deploy staff rapidly and effectively. With this in mind, our postings processes are being simplified and made more flexible. A new resource allocation model is being developed which will, we hope, end the practice of decision-making by committee, in which all forms of responsibility are diluted. It will balance greater delegation of authority to operations managers with better controls, accountability and transparency. With the same aim, and after the measures already taken in 2005, announced at the last ExCom, the independence of the Inspector General's Office was further reinforced through the conclusion of a Memorandum of Understanding on inspections and investigations with the UN's Office of Internal Oversight Services.

The next step in Results-Based Management is the building, testing and application of specially-designed software, which will be at the core of our RBM framework for operations. The new software will be compatible with Management System Renewal Project, whose finance and supply management modules are presently being rolled out to Asia and the Americas. This month we start the MSRP roll-out to Africa and the application of the last version in Headquarters, Europe and CASWANAME. These two systems are crucial reform instruments and will provide better financial, budgetary, logistical and human resource information for the Change Process.

The Change Process should benefit also from broader UN reform and, as in the past, we will integrate any changes made in New York into our own rules and procedures. As they exist today, UN regulations are not always well adapted to the needs of a highly operational agency like UNHCR and sometimes impose constraints on our own efforts to improve our flexibility and responsiveness. But we should never use them as an excuse as, to be honest, UNHCR has itself invented many bureaucratic obstacles that we can, must and will remove.

Ladies and Gentlemen,

8. One year, six clear commitments, six developments we want to take further. But none of what I have described will be possible without political and financial support.

At the end of 2005, UNHCR faced, as you all know, a dramatic financial situation. For the first time in more than 15 years we ushered in the new year with a negative – even if very small – carryover. This brought home to us the need for greater realism in drawing up our budget and was the rationale for the measures we adopted to get through 2006 with as much financial stability and predictability as possible.

We decided in late 2005 to ask managers to plan their activities at 80 per cent of the 2006 ExCom approved figures. Instructions were issued early to avoid more disruptive budget cuts later on. We were able to avoid them through 2006. Offices did their best to safeguard activities with immediate and tangible benefit for refugees, while procurement and programmes with a longer-term or strategic impact were deferred or reduced.

We successfully instituted a zero-growth policy for staff at Headquarters. Any new post has to be offset by the cutting of an existing one. An austerity package included deep reductions in travel and temporary assistance at Headquarters and targeted measures in the field, saving the organization a further US\$20 million.

Concerted efforts have been made to address non-traditional sources of income, including in the private sector, where we have reinvigorated the Council of Business Leaders, led by the Deputy High Commissioner. Private sector contributions to UNHCR this year did not benefit from the exceptional effect of the 2004 tsunami, and, recognizing that raising such funds requires investment and expertise, we have set aside additional resources for new initiatives next year.

Higher targets will be closely overseen by our new Director of External Relations, Nick van Praag, who joined us last month from the World Bank.

Thanks to these measures, we can guarantee today that if – and only if – the donor community maintains the level of support we received last year, UNHCR will be able to carry out its activities through 2006 without resorting to any further cuts to stay in the black. I am very confident that our donors who have not yet reached that level will not let us down. But we still have some way to go before the end of the year.

The 2007 budget represents a clear shift in policy based on our recent experience. It is some US\$100 million – nine per cent – less than the ExCom approved 2006 budget, and it reflects two major policy changes. First, it is based on transparency and realistic assumptions about possible funding levels, with additional margin for manoeuvre in the form of an increased Operational Reserve I at 10 per cent of programmed activities (the maximum allowable level).

Second, items classified as operations will represent a higher percentage of our global costs than staff and ABOD, reversing the trend I cited earlier, if you consider the whole of the Annual Budget and projected Supplementary ones. The management, administration and programme support costs are down by US\$17.6 million in relation to expenditures forecast in 2006, reflecting a serious effort to achieve greater financial flexibility and make more funds available to our beneficiaries and partners on the ground.

For this budget to become a reality, my hope and expectation is that our principal donors will maintain their high level of support to the Office and the work we do. And as we continue our Change Process and devote a greater share of resources to protection, care and solutions, please lend us your support by maintaining – or, in light of UNHCR's enlarged role, by increasing – your financial commitment to UNHCR.

I am pleased that several other donors have raised their contributions significantly this year, and would appeal to other states which can afford to do so to give more.

UNHCR has also received support in 2006 from the Central Emergency Revolving Fund which, in its first year of operation has directed resources to several of our under-funded programmes, and from the pooled funds, for the supplementary budgets of the DRC and Sudan.

Ladies and Gentlemen,

The budget before you is a transitional budget and is inspired by the principles of reform, even if the majority of its measures will only have an impact in the future. Both the reform process and budget policy changes owe a great deal to the vision and determination of the Deputy High Commissioner. Wendy Chamberlin had to assume the leadership of UNHCR under extremely difficult circumstances and manage a smooth transition. Last year, I asked her to generously accept a one-year extension of her contract to guarantee the stability and continuity of the Office and, at the same time, to foster the impulse for change. We are now moving, due to a large extent to her own proposals and initiatives, to a new management model in which the Deputy High Commissioner will have functions more clearly focused on the financial management of the Office. Due to this change in the profile, I fully respect Wendy's decision and have accepted her wish to hand that new role to a successor. Expressing, I am sure on behalf of us all, my deep gratitude and enormous admiration for her outstanding qualities, I would like to recognize her today for her remarkable contribution to the Office and on behalf of refugees.

Ladies and Gentlemen,

Refugees are the *raison d'être* of the UN refugee agency. We are here to serve, with humanity and efficiency. Faithful to our mandate but as a member of a team; proud of our history and identity but

humble before the challenges we face; a partner capable of answering new and increasingly complex challenges in a globalised context. But always, unrelenting in our efforts to reach more people in need of protection. Protection is the heart of our mandate and it must remain the soul of our organization.

Thank you.

ANNEX VI

**REVIEW OF THE ANNUAL CONSULTATIONS WITH NGOS
DELIVERED BY THE NGO RAPPORTEUR, CHRISTINE BLOCH OF THE JESUIT
REFUGEE SERVICE, TO THE 57TH SESSION OF THE EXECUTIVE COMMITTEE**

57TH SESSION OF EXCOM : 2-6 OCTOBER 2006

UNHCR's 2006 Annual Consultations with NGOs were attended by 329 representatives of 166 agencies from 72 countries. The number of agencies comprised 93 international NGOs and 73 national NGOs. Over the three days, NGOs and UNHCR discussed and consulted on issues of mutual concern. This report highlights the main points of discussion and is structured around the four themes of the NGO consultations – the asylum-migration nexus; UN reform; durable solutions; and ExCom conclusions.

1) ASYLUM-MIGRATION NEXUS

The highlights from the discussion on the asylum and migration nexus were the following:

1. Irregular migration is increasing, it is a global phenomenon. The issue came up in nearly all the regional discussions.
2. The focus on border management measures at the expense of ensuring access to rights leads to serious human rights concerns for all migrants, asylum-seekers and refugees.
3. The flows are mixed, and include those in need of international protection, as well as people being trafficked.
4. Governments are implementing border controls responses to these mixed flows, rather than safeguarding refugee protection. Such practices include: increased use of detention as a deterrent, lack of access to asylum procedures, visa requirements, immigration control in countries of origin, carrier sanctions, offshore processing, interdiction or interception policies, protection- insensitive readmission agreements, etc. There is a great need for entry processes that are sensitive to protection concerns as well as for legal migration mechanisms.
5. There is a political component in these policies: nourishing misperceptions, branding asylum seekers and irregular migrants as criminals and terrorists, politically motivated xenophobia and manipulation of these issues as a way to gain political power.

In the session on **Combating the use of detention as a deterrent – a case study from the Mediterranean**, we heard shocking accounts of the increase in the use of detention as a deterrent by many countries, and of the awful and inhumane conditions in many detention facilities around the Mediterranean. Some of the recommendations coming out of the discussions were:

1. The need for the EU to create managed migration systems instead of focusing exclusively on enforcement.
2. The importance of lobbying governments to ratify the Optional Protocol to the Torture Convention (OPCAT) as a mechanism to protect detainees by making spot checks on detention facilities, and to lobby to have refugee/migration law experts on the Optional Protocol sub-committee.
3. UNHCR should work to gain access to detention centres in North Africa and elsewhere, but equally important that NGOs work closely with UNHCR especially with regard to information sharing.
4. The need for humanitarian actors to develop ethical standards and apply them when they provide services in detention facilities.

The conclusions of the asylum-migration discussions were focused on:

1. The 1951 Convention cannot be used as an instrument to keep out migrants who are needed but not welcomed in the developed world.
2. We urgently need properly managed migration channels that can take the pressure of the institution of asylum.
3. We need to keep vigilant in upholding the rights of all displaced persons, whether migrants, asylum seekers or refugees. To that end, we would recommend that the migrant receiving countries ratify the Migrant Workers Convention and adopt a rights based approach for managing migration.
4. We also need to strengthen protection capacities of host countries in the developed world, as well as address the underlying root causes of the increased migratory movements. After all, most migrants would prefer to stay in their own countries if they have peace, security, and livelihood opportunities and are able to enjoy their fundamental human rights.

2) UN REFORM

The debate on UN reform in essence focused on the Cluster Approach to dealing with IDP situations. The issue of **the implementation of a new Cluster Approach in IDP situations** came up in the Africa and CASWANAME regional sessions. The discussions in the regional sessions included the following observations:

1. The Cluster Approach can be very different in national capitals from its application in the field, e.g. Pakistan;
2. Priority-setting was missing in clusters in Pakistan (the first pilot for this approach); and
3. Equality has been missing in partnerships in clusters (the partnership tends to be between UN agencies, and is not fully involving NGOs, especially not national/local NGOs).

Some of the key recommendations were:

1. NGOs should be at the forefront in improving the cluster concept.
2. Lead agencies must ensure all priorities and not only those of the individual agency, and they must be held accountable.
3. The need to watch the growing powers of the resident coordinators in humanitarian response.

The session on the Cluster Approach looked at Uganda as an example. The discussions touched upon a great number of issues but the key ones were:

1. The importance of UN/NGO partnership in the context of cluster implementation.
2. Lack of implementation of clusters other than the protection.
3. The status of the humanitarian reform in Uganda beyond clusters, and such as the need for a separate humanitarian coordinator in North Uganda.
4. The need to take into account differences between regions when planning return in Uganda.
5. The need to clarify the relationship between the Joint Monitoring Mechanism and the clusters.
6. The lack of involvement of NGOs and IDP representatives in coordination meetings.
7. The difficulty for NGOs to participate in the increased number of meetings.

The conclusions of the session were that a strong NGO/UN partnership is a prerequisite for the functioning and success of cluster implementation. It was likewise concluded that the protection cluster implementation in Northern Uganda appears to be on track after a slow start, but a number of important challenges remain to be addressed.

In the session on **Mainstreaming education within the humanitarian response**, the formation of an educational cluster was the primary focus. Another point that was raised in the discussion was the issue of cultural acceptability of education, e.g. the need to ensure that education provided in

emergencies is in the language of the affected and should generally be adapted to the cultural norms of those affected. Another significant issue was the lack of programming for adolescents.

The conclusions of the session were the following:

1. Education is now widely accepted as an integral component of emergency response, including as a tremendously important protection tool for children and adolescents, but the potential of this response has not yet been fully realized in the field.
2. The creation of an education cluster was generally well accepted although questions remain as to how this will specifically function, reinforce existing coordination mechanisms, and fill gaps in policy and operations.
3. Education is under-funded in relative and in absolute terms in emergency response which has an immediate impact on affected populations and on ensuring links to recovery and development.

Children's protection and the humanitarian reform discussed child protection within the protection cluster. The session touched upon the following points:

1. UNHCR and UNICEF have been bolted together in the protection cluster arrangements – they need to operationalize child protection together with NGOs.
2. We are seeing a paradigm shift amongst some agencies on protection, particular UNICEF, towards becoming more operational.
3. The need to de-mystify the cluster approach – it is about doing things better through a strengthened collaboration between various UN agencies and NGOs.
4. Assessments (such as the Age, Gender, Diversity Mainstreaming tool, which UNHCR is now rolling out) are useful to determine the impact of displacement on children.
5. We need to consider national agencies in places where the UN has no access, such as in Somalia. Perhaps with the right resources and the right capacity-building Somalis could run their own clusters.
6. We are concerned about mainstreaming too much, which could dilute expertise and good programmes in child protection.

The session concluded the following:

1. The objective of the cluster approach is not coordination. The objective is better and more reliable humanitarian assistance. Coordination is the tool to achieve this.
2. We need to stay focused on the impact on children. This is not always easy for agencies when security situations are very difficult.
3. Assessments are useful for sharing lessons learned.
4. Participants agreed the discussions have to continue involving global, field and local levels.

3) DURABLE SOLUTIONS

The issue of durable solutions was discussed in the regional sessions, as well as in the thematic session on **“Challenges of return: Rights and sustainable solutions.”** The Asia regional session touched a lot upon the protracted refugee situations in the region such as the Burmese in Thailand, Bhutanese in Nepal, Burmese Rohingas in Bangladesh, and the protracted urban refugee caseloads. The session stressed the importance of UNHCR, NGOs and states coming together to explore and jointly develop creative new ways to solve protracted refugee situations responding to changing political situations.

The thematic session on return focused on several contemporary challenges in the repatriation of refugees and return of IDPs. The discussion concentrated on the Bhutanese in Nepal as well as South Sudanese in Kakuma camp in Kenya. A variety of challenges were noted:

1. Protracted situations are, by nature, complex. Bilateral and regional political issues are particularly relevant and must be recognized; resolution of the situations will require

- concerted political action, often by friendly states. How do UNHCR and NGOs facilitate this without becoming politicised themselves?
2. General education and specialized human rights awareness may be higher in countries of asylum. How should UNHCR and NGOs respond to returnees who find sub-standard conditions and who know their rights?
 3. How can access to resettlement be preserved within the context of a campaign of facilitated or spontaneous voluntary repatriation?
 4. When should UNHCR and NGOs begin to facilitate voluntary repatriation? In the context of a ceasefire, it was noted that a ceasefire is not yet a peace agreement and not yet sustainable peace. At the same time, significant numbers of spontaneous returns may take place during ceasefires, most recently seen in the Lebanon.
 5. What are UNHCR's obligations to retain a physical and operational presence in areas of return?

The session also touched upon the fact that there can be a huge gap between the standard for voluntary repatriation and the actual situation on the ground, especially if we use a rights-based approach. For example, there is a need to ensure that conditions are satisfactory in countries of asylum before voluntariness of any expression of the will to repatriate can be confirmed. Indeed, often we are repatriating or returning people in an unsustainable manner. More focus should be on peace building, early recovery, and reconstruction of infrastructure and on assisting the returning populations to rebuild livelihood opportunities.

The points that came out from the session “**Integration: the forgotten solution**” were the following:

1. Comprehensive approaches to protracted situations are needed involving voluntary repatriation, resettlement and local integration. In any refugee situation, a combination of these solutions should be used, depending on local circumstances. Local integration is likely to be a viable solution in situations, where refugees have some affinity with the host community.
2. The notion of local integration has to be considered in multiple ways. In some cases full integration involving naturalization and citizenship might be possible, but in many situations approaches such as local settlement and self-reliance are more appropriate and more workable.
3. Local integration, local settlement and self-reliance cannot be divorced from the question of rights. Refugees who are denied freedom of movement or access to the labour market cannot be expected to become self-reliant or to integrate successfully.
4. Host country policies usually determine the extent to which local integration is possible. When a new refugee influx occurs, UNHCR must try to negotiate with the host government to ensure that an appropriate environment for local integration and self-reliance is created. At a later stage it may be impossible to persuade the host government to amend policies, although advocacy coalition-building and donor state involvement should be used to achieve that objective.
5. Local integration does not obstruct voluntary repatriation. Even integrated refugees retain an attachment to their homeland and may choose to go back when conditions allow.

In the session on “**the strategies for countries supportive of resettlement**” the following issues were raised:

1. The role of NGOs is indispensable to advocate for refugees, to develop the basis for resettlement programmes in view of national capacity, and to create public understanding that refugees are an asset not a liability, and finally as links to civil society and service-providers.
2. The NGO experience in resettlement countries regarding reception and reintegration / information / legal counselling / development of integration projects should be further enhanced and included in selection involvement, placement of resettled persons and management of expectations.

3. Priority for emerging resettlement countries should be to develop quality standards, namely improvement of family reunion procedures, and dossier resettlement for emergency submissions. In this context it is important to make sure that integration potential should not be a selection criterion.
4. Capacity-building of NGOs to be able to meet the increased needs. This would include cooperation between NGOs, such as twinning programmes, and UNHCR help training, support for fund-raising and encouraging NGO participation in strategic/regional meetings.
5. UNHCR should pursue the expansion of resettlement opportunities by simultaneously increasing first countries of asylum holding selection missions and by promoting the willingness of new countries to resettle refugees.

The issue of resettlement also came up in the discussion on how to implement the new UNHCR ExCom conclusions on women and girls at risk and statelessness. NGOs focused on the need to mainstream and improve procedures for dealing with women at risk cases, especially with a view to faster processing for them. The session on statelessness likewise looked at the need for identifying durable solutions for protracted statelessness situations, such as the possibility of exploring resettlement to help address them.

4) EXCOM CONCLUSIONS

The aim of the sessions was to explore how NGOs can take a pro-active role in ensuring that these conclusions, which NGOs urge ExCom to adopt this week, are implemented. The NGOs need to take responsibility for making these conclusions operational, as well as using them as advocacy tools with governments and UNHCR.

The session on the **Prevention and reduction of statelessness and protection of stateless persons** discussed the problem of stateless persons. Conservative estimates suggest that as many as 11 million people around the world are stateless, a lot of them in protracted statelessness situations. The new conclusion focuses on the identification, prevention, and reduction of statelessness, as well as the protection of stateless persons.

The conclusions from the session were the following:

1. Key to resolving statelessness issues is collaboration between governments, CBOs NGOs, INGOs, UNHCR and other UN agencies, particularly in the domain of operationalizing the new ExCom conclusion ensuring programs to identify, prevent, and reduce statelessness in the field and to protect stateless persons, through initiatives such as birth registration campaigns. NGOs also have an important role to play in the domain of legal remedies and advocacy.
2. UNHCR will continue to advise states how to revise nationality laws to fill the legal gaps that permit or contribute to statelessness, and NGOs should advocate for change and pursue legal decisions through national courts, international tribunals and UN treaty bodies.

The session on the conclusion on women and girls at risk **“They don’t talk about rape!! Improving protection for refugee women and girls”** gave a grim account of the continuing rape, sexual abuse and exploitation of displaced women and girls. Now that this issue is firmly on the agenda, it was felt that **not** to take action to address it was both unethical and irresponsible. The key issues addressed in the session were the following:

1. There are a number of myths surrounding the gender-based violence, which need to be addressed. It is sometimes claimed that women will not talk about rape and sexual abuse, or that they lie about rape in order to receive resettlement, and there is a widely held belief that rape and domestic violence are acceptable forms of cultural practise. These myths must be dispelled through staff training and by programs which encourage better communication between service-providers and refugee women.

2. Refugee women and children are vulnerable to a large number of gender-related risks, which include the risk of trafficking, engagement in survival sex, and early and forced marriage. Suggested strategies to address these issues include the creation of safe spaces for women and girls, which offer a range of services and do not add to the potential stigma suffered by women who are survivors of rape and other forms of sexual violence.
3. It is essential to end impunity for perpetrators and the active involvement of refugee women and girls in the design and provision of services for women and girls at risk. Men and boys must also be involved in this response.
4. The discussion acknowledged the key role that access to income and livelihood can play in the protection of refugee women and recommends that women and girls are given access to income-generating activities and freedom of movement to pursue these activities.
5. The importance of community involvement was stressed and the need for closer and more effective partnerships between UNHCR, NGOs and refugee communities was mentioned by all presenters. UNHCR's Age, Gender and Diversity Mainstreaming methodology is a good tool for this.

The last session on the conclusions “**Collaboration in addressing gender issues**” discussed how UNHCR and NGOs can better ensure a gender-sensitive approach in our programming. The session discussed:

1. The need to commence the gender-sensitive programming from the start of an emergency and throughout the project cycle by deployment of gender-sensitive staff in emergency responses, training in gender-sensitive approaches, engaging in dialogue with the community and religious leaders on gender issues, and awareness raising among men of what is ill-treatment of women and children.
2. The need to involve more men in the work and take responsibility for achieving gender equality, to ensure that gender training comprise 50% men and 50% women, and ensuring that women allow a space for men in NGOs and UN agencies to take the lead in gender work.
3. The need to work collaboratively to address gender issues, e.g. wider networking among agencies.

ANNEX VII

NGO STATEMENT TO THE GENERAL DEBATE

57TH SESSION OF EXCOM : 2-6 OCTOBER 2006

This statement has been drafted in consultation with a number of UNHCR's NGO partners.

Thank you, Mr. Chairman,

We welcome this Executive Committee's focus on a number of issues that are critical to the protection of those who have been forcibly displaced or are stateless. We would like to focus on three main areas: 1) the erosion of refugee protection and adequate access to asylum; 2) UNHCR's role with respect to internally displaced persons (IDPs); and 3) UNHCR's role in the asylum-migration nexus.

Working in Partnership

Before turning to these issues, non-governmental organisations (NGOs) welcome the High Commissioner's commitment to partnership with NGOs as a dialogue of equals and we commit ourselves to working in partnership with UNHCR for the full realisation of refugee rights, as well as the rights of other persons of concern.

We are committed to working in partnership with UNHCR to operationalise what we hope will be adopted as this year's ExCom Conclusions on Women and Girls at Risk and Statelessness and in developing creative new ways to resolve protracted situations.

While we appreciate the High Commissioner's highlighting of the importance of partnership with NGOs since he came into office, the question we now must ask is, "Is partnership translating into a better response for refugees and others of concern to UNHCR at the field level?"

1) THE EROSION OF PROTECTION AND ADEQUATE ACCESS TO ASYLUM

We are gravely concerned that State policies, including interception at sea, restrictive visa regimes, arbitrary detention, and accelerated return procedures, are preventing asylum-seekers from gaining access to asylum procedures and, in fact, are eroding the institution of asylum. We share UNHCR's dismay at the outcome of the recent Swiss referendum. It is ironic that this referendum took place in a country that is still home to world's humanitarian capital, Geneva. The referendum upheld highly restrictive legislation that could result in *refoulement* by blocking the access of undocumented asylum-seekers to examination of the merits of their refugee claims. Unfortunately, this legislation is but one example of the many measures that have led to denying asylum-seekers and refugees adequate access to territory and to fair asylum procedures and protection worldwide.

We note a particularly disturbing trend among a wide range of States globally to block UNHCR and NGOs access to sites where refugees and asylum-seekers might be located for no other reason than to prevent them from identifying people of concern and coming to their aid. We regard such moves as a deep and fundamental threat to the very foundations of refugee protection.

Governments that prevented access to UNHCR since the 56th session of the ExCom include Libya (access to detention centres), China (access to North Korean refugees in Jilin Province), Cambodia (access to Montagnard refugees from Vietnam in Ratanakiri and Mondolkiri provinces), Thailand (access to new Hmong arrivals from Laos in two jails and in the White River settlement in Pitchabun province). While we still regard as unacceptable that the Government of Italy, for months, denied UNHCR access to Lampedusa while it was engaged in mass expulsions of

undocumented foreigners, we welcome the agreement of the Italian government to a UNHCR presence on Lampedusa. Unfortunately, we have seen numerous cases of *refoulement*, in particular from North Africa and Southern and Eastern European transit countries.

We note with particular distress that the Government of Uzbekistan closed the UNHCR office in Tashkent. We fully support UNHCR's efforts to prevent the *refoulement* of Uzbek refugees and asylum-seekers from Kyrgyzstan, Ukraine, and Kazakhstan and applaud the High Commissioner for insisting that bilateral extradition agreements cannot supersede international legal obligations. States have responsibilities under the 1951 Convention. ExCom Members must hold States who do not respect these responsibilities, such as Uzbekistan, to account.

NGOs are concerned by the indefinite use of "Temporary Protection" for Iraqi refugees and urge UNHCR to revisit its policy on Iraqis fleeing Iraq. In the Middle East region, where governments refuse to acknowledge the Temporary Protection policy, Iraqi refugees are denied basic security and the chance to live in dignity. UNHCR should clearly recognise Iraqi refugees on a *prima facie* basis or process individual Iraqi refugee claims. Iraqi refugees, as well as Palestinian refugees, should not be left in limbo while the situation in Iraq remains unstable. We understand that even among those Iraqi refugees deemed most vulnerable in Syria, only 12 or 13 were accepted for resettlement this past year.

Denying Asylum on "Security" Grounds

Five years after the events of 11 September 2001, States throughout the world are increasingly closing their doors to *bona fide* refugees and asylum-seekers in the name of security. The equation that refugees are terrorists is a myth that States and UNHCR must emphatically denounce. We encourage States, UNHCR, and NGOs to respond strongly to combat the increased xenophobia against asylum-seekers and refugees.

One of the latest – and extremely worrying – manifestations of the trend to deny asylum on security grounds is the overly broad application of the so-called "material support" ground of inadmissibility to the United States (US). Under this bar, which is the most dangerous threat ever posed to the US Refugee Program, *bona fide* refugees and asylum-seekers who have been coerced under extreme duress, including at gunpoint, to provide material support of as little as \$1.00 to groups of two or more people deemed to have engaged in so-called "terrorist activity" (broadly defined) are being denied admission to the United States. Women who have been attacked, raped, and held captive by rebels and forced to cook for them are now being denied admission to the US on grounds that they provided material support – cooking meals under duress – to a group considered by the US authorities to be terrorists.

The coerced provision of material support under the threat of death or torture should not be grounds for inadmissibility, denying asylum, or resettlement. Legislative reform is needed to address the context of armed conflict, the particular circumstances of an individual's actions, and the duress under which a person may have acted. Such legislation should also take into consideration the context in which the organisation or group is operating. Some of these groups may indeed be defending themselves from persecution, crimes against humanity, or even genocide.

The delay in garnering a legislative solution to this problem in the US has nearly shut down the US refugee admissions programme for Colombians, Vietnamese Montagnards, and Hmong, Cubans, and Liberians. It has further resulted in substantial processing delays and a 20% rejection rate for thousands of Burmese Karen in Thailand, *bona fide* refugees identified in October 2005 by the United States as being in need of resettlement.

Refugee Status Determination

NGOs remain concerned about the need to improve the fairness of UNHCR refugee status determination (RSD) procedures. UNHCR has taken initial positive measures to set a minimum of due process, including issuing its first comprehensive standards for field offices conducting RSD,

but they are still to be implemented in many countries. UNHCR continues to prescribe the withholding of evidence, interview transcripts, and sources of origin information from asylum-seekers. Also, specific reasons for rejection are still not provided. We call upon UNHCR to resolve these gaps and to take steps to increase the independence of its appeal procedures.

UNHCR's RSD determines the fate of nearly 90,000 people in 80 countries every year. UNHCR conducts RSD to fill the gap left by States, which have the primary responsibility to conduct RSD and the obligation to protect the human rights of refugees and asylum-seekers. We call on States that have yet to adopt domestic asylum legislation and procedures to do so in the earliest possible time in full cooperation with UNHCR. NGOs believe that UNHCR has a crucial role to play in such a transition in order for this to happen as smoothly as possible and to ensure that domestic asylum procedures meet the highest standards of fairness. We further call on ExCom Members and UNHCR to actively promote the ratification and implementation of the 1951 Convention and its Protocol. We particularly call on all ExCom Members that are not Party to the Convention to urgently ratify the Convention and its Protocol.

Overuse of the Exclusion Clause

We are deeply troubled by overly broad approaches to exclusion, which run contrary to the Refugee Convention itself. We urge UNHCR to take steps to protect refugees from these sweeping provisions, such as the material bar support in the US. Measures UNHCR should take include intervening in individual cases when refugees face the risk of *refoulement* in violation of the Convention. We urge States to ensure that their provisions are corrected so that refugees who are entitled to protection are not denied asylum and returned to persecution in violation of the Convention and its Protocol.

2) UNHCR'S ROLE WITH RESPECT TO IDPS

In relation to the deplorable state of the world's asylum system, we would like to refer to UNHCR's expanding role in protecting the rights of internally displaced persons (IDPs). This role must not come at the expense of the agency's core mandate to work on behalf of refugees, asylum-seekers, and stateless persons. Nor should the agency's work with IDPs serve as an excuse for governments to deny the right of refugees to seek asylum from persecution and other human rights abuses and their ability to access effective international protection. Last year, when UNHCR embarked on its cluster responsibilities, NGOs asked, "What are the safeguards that will be put in place to ensure that UNHCR's core protection mandate will not come at the cost of the new responsibilities?"

We still ask, "What are the criteria that UNHCR applies to determine if its core mandate is being threatened by its IDP involvement?" NGOs continue to express willingness to work with UNHCR to clarify these criteria. One possibility is for UNHCR's new Policy Development and Evaluation Service to work with NGOs and other partners to develop clear criteria that can be used by UNHCR when the question of involvement with IDPs arises. Further, if UNHCR does not get involved and no other UN agency comes forward, how will the protection gap be filled?

The Limits to Protecting IDPs for UNHCR

While having made progress in clarifying the responsibilities of UNHCR in responding to IDPs, it must not be forgotten that there are *limits* to UNHCR's ability to adequately protect IDPs, as has been seen in Darfur, Sudan, in Iraq, in Chechnya, in Lebanon (South of the Litani river), in Sri Lanka, in Somalia, to name a few.

Three years after the world community expressed shock over the forced mass displacement in Darfur, Sudan the needs of the displaced population remain at similarly alarming levels. The population in the camps is kept at a minimum level of survival. The IDPs are cut off from all traditional means of subsistence and they have become dependent on international aid. Due to the fighting and administrative obstacles (with regards to supplies and human resources), aid

distribution, including food, has become extremely difficult. In addition, it is estimated that donors cut their humanitarian budgets allocated to Darfur, Sudan by 40% in 2006 compared to last year.

Reports from NGOs tell of the consequences of the reduced levels of assistance, including a further worsening of the public health situation for the population. Some recent cholera outbreaks could not be addressed (more than 1,000 cases were reported in West Darfur in the last three weeks) and medical references and evacuation of wounded have been hampered.

The pattern of security incidents has progressively led to the withdrawal of international staff. Since May 2006 alone, 12 humanitarian workers have been killed in Darfur, a number higher than the total until that month. The question should be asked whether the obstructions put in place for humanitarian personnel have become a deliberate tactic of war? Without the support of States in fulfilling the responsibility to protect, UNHCR will have limited success in its protection of IDPs.

In Lebanon, most recently, major constraints were placed on the delivery of humanitarian assistance to civilian populations. In Iraq, humanitarian organisations are unable to undertake independent assessments of the needs and to access the civilian population in many areas. As a consequence, the scale of the needs remains unknown and many humanitarian agencies are unable to intervene.

In Sri Lanka, we see a significant rise in the number of security incidents, particularly towards civilians. Humanitarian organisations are having extreme difficulty in independently assessing humanitarian needs, particularly in the East and North of Sri Lanka and the increasing anti-NGO climate is particularly worrying for its impact on humanitarian action.

The cluster approach provides new opportunities to engage on behalf of IDP populations in desperate need of protection and assistance. For example, in a variety of ways, Palestinians have been, and continue to be, displaced. We call upon the international community to explore a protection role in the context of the UN humanitarian reform process to seek protection – particularly the implementation of the right of return, restitution, and compensation – and solutions on behalf of Palestinian IDPs inside Israel and the occupied Palestinian territory.

Finally, we would like to acknowledge that the current cluster approach assumes access to IDPs from within the country. In situations where this access is not possible, humanitarian access from neighbouring countries must be negotiated.

UNHCR's Internal Review of IDP Operations

NGOs would like to know what is UNHCR's vision as to its role concerning IDPs? How will UNHCR ensure that its involvement with IDPs is sustainable? There has been considerable use of external staffing arrangements (such as ProCap and Surge) to meet the demands put on UNHCR. What measures is UNHCR taking to ensure that its own staff – and particularly protection staff – are being equipped to deal with the different challenges of working in IDP situations? UNHCR must take care that its role with IDPs does not see huge staffing resources being deployed to cluster countries at the expense of other operations. It is also important that funding and resources for IDP protection should be *additional* to UNHCR's work on refugee protection. What steps have been taken, or controls put in place, to ensure this separation?

We hope that the forthcoming internal review planned by UNHCR of its IDP involvement will take into consideration the views of its NGO partners. NGOs and UNHCR have worked for a number of years in IDP situations and this collaboration has only increased with the roll-out of the cluster approach.

In this context, it is also important to look at the collaboration between UNHCR and NGOs in the roll-out of the cluster approach. Are all humanitarian actors being treated as equals – at both the field and headquarters levels? Recent experiences of local Lebanese NGOs – who should have

been valued partners in the recent emergency – along with international NGOs, were thrust into the position of making spur-of-the-moment project proposals in a UNHCR cluster in a manner not in line with an equal partnership. The cluster approach should not be a way for cluster leads to tell partners how to work. There must be a realisation that NGOs may have limited resources to dedicate to cluster participation, as they prioritise operations. National and local NGOs should be given meaningful opportunities to contribute to new mechanisms for improved collaboration and coordination through consultation and involvement from the onset.

UNHCR's Reform Process

Related to the questions on UNHCR's plans for the sustainability of its IDP operations is UNHCR's reform process. The reform and restructuring is necessary to ensure that UNHCR can become a more efficient protection organisation. While NGOs have heard and read about the reform process with interest, there have been limited opportunities for a frank discussion of what NGOs see as necessary elements of change. We would welcome the opportunity to engage with UNHCR in this change process as UNHCR's work often directly impacts upon our operations.

UNHCR's Responsibility for Stateless Persons

UNHCR must ensure that its increasing IDP responsibilities do not obscure the mandate for stateless persons. At the policy level, we urge UNHCR to fully operationalise this mandate and to formalise cooperative agreements with sister UN agencies (particularly OHCHR, UNFPA, OCHA, and UNDP). At the operational level, NGOs would like to see UNHCR develop and improve mechanisms to identify stateless persons and to undertake systematic reporting to provide relief for immediate needs and increase staff resources, including additional dedicated protection officers, to implement the mandate. We also urge the High Commissioner to undertake a field visit to highlight, and work toward the resolution of, a statelessness problem.

3) UNHCR'S ROLE IN THE ASYLUM-MIGRATION NEXUS

So-called irregular migration is a growing global phenomenon. NGOs believe that in developing responses, States and inter-governmental agencies too often adopt an approach that fails to identify those in need of international protection among mixed migration flows. Many of these approaches generally fail to recognise the human rights of all people on the move. We are particularly concerned by the push of the European Union and of individual EU Member States to prevent arrivals of asylum-seekers and migrants who travel via North Africa. We are deeply concerned about negotiations involving the new EU border control agency, Frontex, certain Mediterranean EU States, and North African States, including Libya. Joint naval patrols that could involve the interception of migrants and refugees seeking asylum are taking place without a careful examination of the appropriateness of such partnerships. We are extremely concerned about collaboration with countries that are known to treat migrants abusively, that do not have asylum laws or procedures for identifying persons with protection needs, and that routinely return mixed populations to their countries of origin.

We urge UNHCR to prevent maritime interception that does not provide meaningful opportunities for people in need of protection to seek asylum. UNHCR must not only engage in capacity-building for refugee protection in North Africa, Eastern Europe, and other regions of transit, but must also monitor closely the use of detention and other measures that serve as obstacles and deterrents to asylum. NGOs continue to receive information of cases of torture and inhumane treatment at immigration centres in different parts of the world. Asylum-seekers are detained in an arbitrary manner for prolonged periods without any external counsel or presence to monitor the conditions of the centres, such as the example of nine detention centres in Libya.

NGOs have noted a dramatic rise in the detention of asylum-seekers and the detention practices of many States, which run contrary to the UNHCR detention guidelines and to the prohibitions of international human rights law against arbitrary detention. We call upon States to cease using

detention as a deterrent and to ensure that any use of detention is in compliance with international human rights law and the UNHCR guidelines.

We call upon UNHCR to oppose efforts by States to use UNHCR's engagement in capacity-building as a pretext to declare countries of transit as safe, to conclude readmission agreements, or to enter into other partnerships, such as joint border patrols, when the countries in question are unable or unwilling to provide effective protection for refugees and asylum-seekers.

We welcome UNHCR's 10 point Plan of Action as a first step to safeguarding the rights of both refugees and migrants. We stress the importance of ensuring that the rights of all migrants are safeguarded at all times and we look forward to working with UNHCR to refine and elaborate the 10 points, particularly regarding profiling exercises (point 5) and return arrangements for non-refugees (point 9).

Better Protecting Refugee Rights

During the Annual Consultations between UNHCR and NGOs last week, the possibility of pushing for a Special Rapporteur on the Rights of Refugees through the Human Rights Council was raised. Such a position would undoubtedly help to address the concerns around the erosion of refugee rights. UNHCR should also seek more cooperation with regional and national bodies whose mandate is to uphold human rights, which includes refugee rights.

While it would take some time before a Special Rapporteur on Refugee Rights would be appointed, we urge States to look for other means by which the rights of refugees and asylum-seekers can be better upheld. In particular, the application of Article 35 of the 1951 Convention would allow the High Commissioner to better supervise "the application of the provisions of this Convention" (Article 35, *1951 Convention Relating to the Status of Refugees*). In addition, reforms to the Executive Committee of UNHCR could see peer reviews being instituted, similar to what is now being explored in the Human Rights Council. Such efforts to improve accountability of the responsibilities of States would seem a progressive way forward that would ensure better refugee protection.

Conclusion

NGOs are stakeholders in UNHCR's protection mandate. Our partnership to better protect and assist refugees and other persons of concern will depend on adequate resources to help us fulfil our responsibilities. As NGOs, we, therefore, call on this EXCOM to not only approve UNHCR's budget, but also to provide the funding necessary to ensure its implementation.

Thank you.

ANNEX VIII

NGO STATEMENT ON INTERNATIONAL PROTECTION

57TH SESSION OF EXCOM : 2-6 OCTOBER 2006

Mr. Chairman,

This statement has been drafted and is delivered on behalf of a wide range of NGOs.

We fully agree with the High Commissioner that protection lies at the heart of UNHCR's work. Effective protection requires not only legal instruments, but the political will and commitment of States. Humanitarian organizations, such as UNHCR and NGOs, have a crucial role in protection activities, although the responsibility to protect lies with States. We hope that ExCom can consider how their responsibility to protect is helping UNHCR to fulfil its mandate. As NGOs, we urge not only UNHCR, but also Member States to take a stronger stance on the protection of refugees and those who have been internally displaced.

Voluntary repatriation

Many States have joined UNHCR in emphasizing that voluntary return is the preferred durable solution. However, in order for return to be truly voluntary and sustainable, conditions conducive to return must be in place – these include measures for safety, security, land rights, social infrastructure (particularly health and education services), the removal of landmines, restitution and compensation, and access to livelihood opportunities. UNHCR plays a crucial role in providing refugees with accurate information on the conditions, safety and resources available in areas of return; facilitating and coordinating return movements; and maintaining a proactive protection presence in areas of return. Acute funding and staffing constraints have hampered UNHCR's ability to maintain a significant protection presence for returning populations, for example, in South Sudan.

Protection is vital to upholding the rights of the most vulnerable, developing safe and sustainable return strategies and thereby preventing repeated situations of displacement, instability and violence. A complementary approach to emergency relief, protection initiatives and development activities provides the greatest chance for long term stability, and the sustainable return of refugees and IDPs, as well as enhancing good governance and the rule of law. It is UNHCR's responsibility to work with donors and other development actors to help governments put services in place.

Resolving Protracted Refugee Situations

We reaffirm our support for recent efforts to resettle refugees from two of the longest protracted refugee situations in Asia. Some of the Burmese refugees in Thailand and Bhutanese refugees in Nepal have finally been provided with a durable solution. We welcome the work of governments involved in these initiatives and would like to encourage them to continue their efforts to find a resolution to the political impasse that has resulted in these communities remaining displaced for so many years.

Asylum-migration nexus

We share the High Commissioner's concerns over the increasing use of asylum, migration, and security issues for political gain. The perpetuation of the view that refugees and asylum-seekers are illegal immigrants and/or agents of insecurity, terrorism, and crime erodes public support for refugees, encourages racism and xenophobia, and undermines the institution of asylum.

Given that only 1-2% of the world's refugees will be resettled in any given year and that the average length of time a refugee spends in a refugee camp has increased from 9 to 17 years in the space of just one decade, we have been particularly surprised to hear the term "queue-jumper"

being used in this forum. Given the lack of fair and effective asylum procedures, durable solutions, and physical protection in countries of first asylum, which is known to force refugees to make onward movements in search of protection, the notion of “queue-jumping” is particularly inappropriate.

There is a clear need to ensure that States adopt a rights-based approach to migration management and open legal channels for migration, including by signing and upholding the Migrant Worker’s Convention. In developing border control measures to manage mixed flows, States must ensure that these measures are designed and implemented in a protection-sensitive manner, including clear guarantees for the human rights of migrants, asylum-seekers, refugees and others in need of protection.

We caution against the use of bilateral or multilateral “safe third country” agreements. They disregard an asylum seeker’s unique circumstances, even where there is a valid case for individual asylum. Such measures risk refugees being returned to a country that lacks proper status determination processes or where refugees’ rights cannot be guaranteed, and may constitute *non-refoulement*. We are concerned that some States considered to be safe third countries do not provide effective protection.

Detention as a deterrent

During UNHCR’s Annual Consultations with NGOs last week, deep concern was expressed about the increased use of mandatory, indefinite and non-reviewable forms of detention in inhuman or degrading conditions. Such detention is in violation of the international prohibition on arbitrary detention and is used to penalise and/or deter future asylum-seekers, in breach of Article 31 of the Refugee Convention. We urge UNHCR to redouble its efforts to work with States to implement UNHCR’s Guidelines on Detention and to combat the spread of arbitrary forms of detention.

Extra-territorial detention and processing

We are concerned over the increasing trend toward extra-territorial detention and processing. ExCom States, such as Australia and the United States, are continuing to use offshore detention and processing “solutions,” where the accountability and responsibility for protection is weak and unclear. These asylum determination systems lack capacity, access to legal counsel is inadequate and there is no access to independent or judicial review.

The Multilateral Framework of Understandings on Addressing Irregular Secondary Movements of Refugees and Asylum-Seekers, along with the study on secondary movement from Somalia provides crucial recognition of the fact that it is the lack of *effective* protection that causes so-called “secondary” movements. It also provides concrete measures to redress these protection gaps, which we hope ExCom members will take up in future.

Resettlement

We are pleased to see the increasing use of resettlement as a protection tool, more States offering resettlement programmes, the expansion of existing resettlement programmes, the commitment of the US, Australia, Canada for their ongoing resettlement programmes, and the prospect of a European resettlement scheme. These improvements, however, do not excuse States from their primary obligation to protect asylum-seekers arriving in their countries. If resettlement is to be used as a strategic tool of protection, then the focus should be on those with the greatest protection needs, and not those with better integration prospects or those who meet national labour market demands. We also wish to remind states of the protracted nature of some urban refugee caseloads who are in need of resettlement.

The need for an effective system for monitoring returns

There is a need for an effective system for monitoring returns. In the case of returns to Afghanistan, some countries were quick to offer incentives or engage in coercive tactics to encourage the return of refugees before being able to ensure a safe and dignified return. A system to monitor both the

methods of deportation and the conditions and safety upon return will help to ensure against *refoulement*. Such monitoring must include those who are denied protection by States that use definitions of a refugee that are narrower than that of UNHCR, as they remain as persons of concern to UNHCR. A system to monitor ongoing protection needs of returned asylum-seekers would ensure that UNHCR's standards for granting protection are being met in countries of asylum. The tripartite agreements between UNHCR, the transitional government of the Republic of Afghanistan, and several European states provide a model for an effective system of return.

Local Integration

We are heartened by an increased recognition of the value of self-reliance in developing refugees' economic and social capacity in order to meet their essential needs on a sustainable and dignified basis. Promoting self-reliance is vital in affirming the rights contained in the 1951 Convention, including the right to engage in wage-earning employment, acquire property, and enjoy freedom of movement. Self-reliance is desirable even where a durable solution is not immediately available, particularly in protracted refugee situations and should be understood as a precursor to a durable solution, not as a solution in itself. Marginalised groups for whom self-reliance may not be an option, such as some female-headed households, people with disabilities and the elderly, may require special assistance.

Food Insecurity

According to UN agencies and NGOs, between 165,000 and 200,000 Saharawi refugees continue to remain forcibly displaced in refugee camps in Western Algeria, facing harsh and deteriorating living conditions due to Morocco's occupation of the Western Sahara. Their protection has been further undermined by annual cuts to UNHCR's budget for camps where they have limited opportunities to earn livelihoods. The cuts have also led to acute increases in malnutrition and anaemia. We, therefore, ask Member States, UNHCR and WFP to ensure that the provision of food aid is increased to a level that is commensurate with international standards and reflects actual numbers.

It is well-documented that food insecurity leads to sexual exploitation and violence, for example, women being raped when they leave a refugee camp to find food or are being forced to exchange sex for food. ExCom members must adhere to existing commitments to ensuring refugee food security.

Urban refugees

Many urban refugees do not enjoy access to a legal status or to basic economic, social, and cultural rights, such as the right to work, education or to adequate housing, and so fall into a "protection gap." Unaccompanied minors living in such situations are particularly vulnerable to abuse. Urban refugee women face problems of sexual and gender-based violence, are often forced into prostitution or fall prey to traffickers. In many cases, they lack access to UNHCR offices. NGOs call on States to commit themselves to respecting and protecting the rights of all urban refugees on their territories, with specific attention to particularly vulnerable refugees, including women, children, and the elderly. We appreciate UNHCR's consultations with NGOs during the revision of its policy document of urban refugee policy. Swift publication and implementation of this policy will constitute a significant step forward.

Child protection

Child protection must be an integral part of every humanitarian response, incorporating child protection programming into the delivery of all services in accordance with the rights enshrined in the Convention on the Rights of the Child. The provision of good quality education is critical to meeting the protection needs of children affected by armed conflict and natural disasters. The ExCom and UNHCR must ensure that safe, good quality education is an integral part of every humanitarian response. In particular, children formerly associated with armed groups must have access to comprehensive service provision including psycho-social assistance, healthcare and education.

Women at risk

We support the draft Conclusion on the Protection of Women and Girls at Risk, in particular the clear acknowledgment of the extent of rape and sexual and gender-based violence, and the need for a broad-based protection response to this problem. We are delighted that the Conclusion is strongly operational and provides a blueprint for effective responses to individual women and to communities. It acknowledges the capacity of refugee women and the need for their participation – in identifying risks, planning responses and decision-making on protection issues. Prevention of rape, sexual violence and exploitation is as critical as a response after the event, which cannot happen without resources. Women and children are being raped on a daily basis, babies are born as a result of rape, and young girls die in childbirth. Little is known about the impact of bearing a child or children of rape on the integration experience of refugee women following resettlement or repatriation. The international community must commit to responding to the needs of refugee women and their children born of rape, as a matter of urgency that must be addressed through short and medium term solutions, as well as a long term strategic plan. We call upon governments to match their commitment to the Conclusion and to ensure that refugee women and children have access to a range of appropriate protection measures, with a commitment to providing resources, including medical and psycho-social services, to ensure the implementation of the Conclusion.

Ensuring protection for populations

Millions of Palestinians fall into a protection gap with no access to any form of international protection, including Palestinian refugees in Iraq, who are particularly vulnerable. In this regard, we call on all actors to redouble their efforts at addressing this gap for Palestinian refugees beginning with their right of return in keeping with UN General Assembly Resolution 194, including the right to restitution and compensation.

While the implementation of UNHCR operations in Iraq is ongoing with a number of NGO partners, under-funding and consequent operational cuts have had an undesirable consequence through the second half of 2006. In view of the 330,000 returnees currently in Iraq, along with 1.2 million IDPs including 300,000 newly displaced persons, support for UNHCR needs to be significantly increased in order to meet the protection needs of these persons.

UNHCR RSD standards and practice

We would like to acknowledge the important step taken by UNHCR in publishing comprehensive guidelines on its procedural standards for refugee status determination. While awaiting the implementation of these standards by all UNHCR offices, we stress the need to redress some of the gaps between UNHCR policies and human rights standards. UNHCR continues to withhold much of the evidence used in refugee status determination from the applicants concerned. There is still no clear plan to develop an independent appeal system and some of the standards are so broad that they can be watered down at the discretion of local officers.

ExCom Conclusions

Finally, we look forward to a continuing involvement in the ExCom conclusions process and hope that improvements to enhance our participation can be made in the coming year.

Thank you.

ANNEX IX

NGO STATEMENT ON PROGRAMME BUDGETS, MANAGEMENT, FINANCIAL CONTROL AND ADMINISTRATIVE OVERSIGHT

57TH SESSION OF EXCOM : 2-6 OCTOBER 2006

This statement has been drafted in consultation with a number of NGOs.

Thank you, Mr. Chairman,

We are concerned about cuts in humanitarian assistance to many refugee situations around the world. Despite growing humanitarian needs – for refugees, IDPs, and others of concern to UNHCR – being addressed by NGOs and UN agencies, UNHCR's budget diminishes year after year, particularly with regards to protracted refugee situations.

We urge the Executive Committee to assist refugees on the basis of accurate assessments of needs and numbers of refugees. Although EXCOM members often strongly encourage UNHCR to budget based on needs, the reality, unfortunately, is that UNHCR must budget on the basis of resources. In addition, we note with concern the gap between the EXCOM approved budget for the past year and the total funds available. Unless there is a shift in approach by the EXCOM so that UNHCR can, in fact, budget on the basis of needs, we will continue to see inadequate assistance and protection being provided to persons of concern. NGO urge the EXCOM to ensure that the budget is funded according to prevailing needs on the ground.

We would like to acknowledge that over the past year NGOs have seen marked improvements in our working relationships with UNHCR regarding the management of sub-project agreements, especially at the field level. These improvements include more timely signing of agreements and more rational resource allocation for activities. Although budgets may be smaller, following austerity measures at the beginning of the year, the increased efficiency gained from more realistic planning of programmes is a welcome development.

There remain, however, concerns related to overheads, ceilings on expatriate salary costs, and the timely provision of UNHCR in-kind asset contributions. We appreciate the continued dialogue that UNHCR has maintained with NGOs and note both the openness and progress that has been made to date. A more flexible approach to addressing these concerns is needed. We look forward to continuing this discussion in the coming weeks in anticipation of mutually favourable results.

We would also like to address the issue of UNHCR funding to indigenous NGO partners in assisting them to develop their response capacity. UNHCR has both a role to move the capacity development process forward by investing directly in institutional (non-programme related) core costs of indigenous NGOs.

International NGOs coming from donor countries have much easier access to funding than indigenous NGOs. The result is that indigenous NGOs – even those that work in more than one country – find it more difficult to ensure that their core costs can be covered. Project funding alone – while important – is inadequate for sustainability. Donors must ensure that indigenous NGOs, which adhere to quality and accountability standards, have the same access to funding as other NGOs coming from donor countries. Without such equality in funding, the strengthening of local capacity will continue to be difficult.

The fact that indigenous NGOs do not have the same ability as international NGOs to recover overhead costs should be addressed, with recognition that funding of overheads can generate a

return of investment. UNHCR must also accept that such costs translate into underwriting human resources, financing infrastructure, technical and material equipment, and related expenditures. To achieve such a change, UNHCR must move away from a narrow 'project approach' and recognise the significance of a flexible programme approach with non-earmarked institution-building grants and appropriate service charges when contracting externally.

In strengthening its relationships with NGO partners, UNHCR must become more resolute in addressing the financial capacity needs of its partners. NGOs may require assistance to enhance their internal capacity to respond to crises as they arise and to cover the real cost of implementing projects. NGOs believe that a mutually beneficial grants framework agreement between UNHCR and NGO partners could serve as a model for other UN specialised agencies in their partnerships with NGOs.

Turning to the protection role of UNHCR, we note with pleasure the adoption of the Conclusion on the Protection of Women and Girls at Risk. In order to ensure that the strong protection measures in the Conclusion are implemented and do not languish on the shelf as a symbolic, but unused tool, donors must allocate resources to an implementation strategy.

We also draw particular attention to the support needed for NGOs engaged in the implementation of the Mexico Plan of Action and specifically the development of regional resettlement programmes. Some of the commitments of support by donor States made at the Quito meeting in February 2006 are still not forthcoming with the result that capacity-building towards sustainable and successful resettlement programmes has been delayed. We urge UNHCR and its donors to ensure that supports are put in place as quickly as possible in order that NGO partners can work with States and UNHCR towards important regional solutions.

Ultimately, our partnership is not just about money; it is about ensuring that adequate resources are made available for humanitarian action in order to better serve the affected populations at the heart of our work. It is about the UNHCR's often stated commitment to develop dynamic and forward looking partnerships with its partners. The donor community can play a critical role in this process by ensuring that sustained, multi-year, and predictable funding is provided.

Thank you.