

58TH SESSION OF THE EXECUTIVE COMMITTEE

REPORT ON UNHCR'S ANNUAL CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

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Abstract

This report provides highlights of the Annual Consultations with NGOs, which this year brought together some 324 representatives of 162 national and international NGOs, UN, and international organizations from 61 countries.

The consultations were opened by UNHCR's Deputy High Commissioner, and featured ten Round-table Sessions and five Regional Sessions with the active involvement of some 68 resource persons from NGOs, academia, member states, and international and UN organizations. Participating NGOs also had space to organize six side-meetings. To meet the interests of such a diverse group of participants, the consultations were structured around three themes – Partnership and Accountability; Next Steps in Durable Solutions; and Special Situation Focuses. The sessions addressed the complexity of partnership and the issues faced by humanitarian actors in providing refugee protection and responding 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 link between the NGO consultations and ExCom. The Chair of UNHCR's Executive Committee chaired a 'linkage' session to promote more dialogue among NGOs, ExCom members and UNHCR, and encouraged states to respond to the summary wrap-up report from the Rapporteur of the NGO Consultations. UNHCR's High Commissioner closed the NGO consultations.

Included in annex to this report are the Annual Consultations agenda, a list of participants, a list of side-meetings held during the Consultations, the keynote address by guest speaker Elizabeth Ferris, and statements delivered to the 58th Session of ExCom by the High Commissioner, the Assistant High Commissioner for Protection and the NGOs. The full report may also be accessed at www.unhcr.org and www.icva.ch.

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Introduction

Every year, UNHCR's Annual Consultations with NGOs grows, in terms of numbers, complexity and maturity. It is no longer just a 'Pre-ExCom', but an essential meeting point for community-based refugee organisations, human rights groups and humanitarian agencies. This year, around 270 NGOs from around the world attended, including an increasing number of refugees who provided invaluable insights in all the meetings.

This year's consultations were organised around three themes:

- 1) *Partnership and Accountability*
- 2) *Next Steps in Durable Solutions*
- 3) *Special Situation Focuses*

This report attempts to bring together the vast array of issues raised in the plenary, working sessions and side meetings that were organised around these themes. The statements made by NGOs and UNHCR's High Commissioner and Assistant High Commissioner for Protection at the Executive Committee are also annexed to this report, together with the programme of meetings, the list of participants, and the keynote address by this year's guest speaker. In addition, the participants' evaluation of the Annual Consultations, as well as a note on a meeting with NGOs to review this year's forum and to plan for 2008 are annexed herein.

Partnership and Accountability

The most significant theme in this year's Annual Consultations was partnerships and accountability. Specifically, what partnership means and how we can work better together to enhance the effectiveness of our work. In her opening address, Beth Ferris from the Brookings Bern Project on Internal Displacement challenged NGOs to think about what we mean by partnership or 'joint action'. It is not just about UNHCR-NGO partnerships, but also NGO-NGO partnerships. With about 270 NGOs present, spanning the globe from North to South, and with a staggering diversity – from highly specialized agencies to Southern NGOs with little capacity and international NGOs with budgets exceeding UNHCR's – it was recognised that this is no easy feat.

Great emphasis was placed on the 'Principles for Partnership' that were developed and adopted by the 40 agencies of the Global Humanitarian Platform, which brings together the three families of the humanitarian system - the UN and international organisations, the Red Cross/Red Crescent Movement and NGOs - as equal partners. For the GHP to succeed, NGOs noted that we must simultaneously internalise and operationalise the GHP's key principles of - 1) equality 2) transparency 3) a results-orientated approach 4) responsibility, and 5) complementarity - at every level of 'joint action' - from the field to headquarters. We must also try to alter or minimize the impact of the competitive funding environment set by donor states, as this affects the larger framework in which we operate and the quality of partnerships that we develop.

While we have strong support from UNHCR, NGOs have a long road ahead in terms of both internalising the principles and making sure they are incorporated in all of their operations. It is no easy task and we must face difficult questions: would we withdraw if another agency were doing a better job? Instead of opening an office in the field would we invest in southern capacity, drawing on their expertise and local knowledge? Do we honestly consider complementarity or duplication before getting involved?

NGOs must also provide regular feedback to UNHCR on how they are implementing the Principles and progressing on the partnership front and UNHCR must do the same vis-à-vis NGOs. We were thus pleased to hear the High Commissioner refer to the GHP as 'the key instrument' by which we can come together in strategic partnership on an equal basis.

Improving Linkages between the Annual NGO Consultations and ExCom

Partnership was also a central theme in the Plenary Session discussion on linkages between the Annual Consultations (known as Pre-ExCom) and ExCom. Far from having a narrow focus on how NGOs

might better influence the Executive Committee, the session broadened into a much larger discussion around ways to enhance collaboration between states, UNHCR and NGOs. Due recognition was also given to the improvements that have been made. While previously NGOs could only influence the ExCom Conclusions process informally, now we are able to contribute directly through the Rapporteur of ExCom and member states. Governments have also placed more emphasis on the value of NGO contributions. Last year, for instance, was the first time that the Pre-ExCom Rapporteur was officially invited to report to ExCom. As NGOs, we must also remember that ExCom is not a one-off event each year but the culmination of a year-long process that NGOs need to understand and link-into to be heard. Here, the role of the International Council of Voluntary Agencies in mobilizing NGOs and facilitating access could be further supported.

Specific ideas to strengthen dialogue were also raised:

- The ExCom Rapporteur raised the idea of having an overlap event on themes of mutual interest to allow for better information-sharing.
- The ExCom Rapporteur also raised the idea of NGOs having specific information sessions especially on topics that are challenging for some member states or as a way of highlighting issues that need to be included in a protection conclusion.
- Erika Feller mentioned that NGOs had previously proposed a panel session with the High Commissioner and the Pre-ExCom and ExCom Rapporteurs.
- The Annual Tripartite Consultations (ATC) on resettlement were put forward as a model: not one to be replicated outright, but certainly one that works well as a collaborative year-round tripartite process.
- The inherent difficulty in satisfying the needs of humanitarian NGOs and rights-based advocacy groups when planning the agenda for Pre-ExCom was raised, along with the idea of having intercessional meetings to prepare for ExCom.

Several cautionary interventions were also made. While we call UNHCR's Annual Consultations with NGOs 'Pre-ExCom', it is not just a prelude to ExCom or a dialogue with UNHCR. It is an important NGO meeting point in its own right. We must also avoid developing an overly formalistic process, where process replaces substance, and overarching themes drown-out or crowd-out voices from the field and from the displaced.

The High Commissioner's Dialogue on Protection Challenges

Great hopes were also expressed for the *High Commissioner's Dialogue on Protection Challenges* and its proposed focus on the asylum-migration nexus. The High Commissioner expressed his wish to have very active NGO participation and NGOs are keen to engage and develop a strong tripartite dialogue around the proposed themes. Given the complexity of the asylum-migration nexus and the experience that NGOs have in addressing the issue, perhaps the model of the *Global Consultations on International Protection* can be followed to maximise NGO participation.

UNHCR Reform

The High Commissioner also stressed in his address to Pre-ExCom that NGOs need to be part of the next stage of the internal reform, which will look at the field level and called for representatives of NGOs to be involved in the internal discussions of UNHCR's reference group that will be following this stage of the reform.

Responding to IDP Situations in Non-Cluster Countries

Under the theme of partnership and accountability, the session on *Humanitarian Reform and Responding to IDP situations in Non-Cluster countries* stressed three key aims: predictability, partnership and accountability. It was noted that in the last few years, the cluster approach has overshadowed engagement with IDPs in non cluster countries. The approach to IDPs has also changed. When previously UNHCR took on IDPs on a case-by-case basis, it now takes a more centralised approach and the old approach is no longer seen as being suitable.

Key recommendations made:

- Step-up better training regarding humanitarian reform.
- Make governments accountable for the protection of their own citizens.
- Do not ignore protracted IDP populations and work to find solutions.
- Build the capacity of local NGOs to improve the lives of local people.
- Last, but not least, it was emphasized that the humanitarian community needs to strike a balance and ensure that non-cluster and cluster countries receive the same level of attention and that the tools and training available for cluster countries are made available equally to all IDP situations. Here it is pertinent to note the valuable work being done by UNHCR in developing a handbook on IDP protection, which will be published shortly. A draft is available.

Next Steps in Durable Solutions

Asylum-Migration Nexus

The session on *Protection in Mixed Migration Flows* outlined the strategic directions being taken by UNHCR to ensure that entry systems are protection sensitive and that partnerships and practical cooperation is being developed between UNHCR, NGOs and states in the process. UNHCR has sought to provide practical tools for border officials; ensure that states recognise their protection obligations in entry management systems; and that these obligations extend to wherever a state exercises jurisdiction and/or control. UNHCR also called for NGO assistance in border monitoring and training.

In the session, we were also given stark reminders of the violence and abuse being suffered by migrants and asylum-seekers alike when attempting to cross the Gulf of Aden, primarily from Somalia to Yemen. With people being beaten, raped and often thrown overboard, it is clear that both migrants and refugees are equally at risk and equally deserve physical and psychosocial care on arrival.

Migration is today at the top of the political agenda and yet access to territory and asylum procedures is increasingly denied through the 'externalisation' of border controls. Without access to territory, asylum systems will soon be meaningless.

While the panellists predominantly focused on the situation in Europe, interventions also relayed concerns about other countries such as Canada, Australia, Libya and Italy.

Conclusions:

1. There has been no extensive evaluation of the impact of border controls on human rights and access to asylum procedures, particularly 'pre-frontier controls' and such research must be conducted.
2. On interdiction and rescue at sea, it was noted that the nearest port is not necessarily the safest port of disembarkation in protection terms and this area needs to be explored with a view to reaching an agreement on defined 'safe ports'.
3. Regardless of their status, all persons should be able to access appropriate physical, medical and psycho-social care on arrival. There should be effective cooperation between all relevant international agencies and NGOs to ensure basic standards are upheld and fundamental human rights protected.
4. Because of increasing barriers to entry, often the only way to access territory is illegally. There is a need to ensure that this form of entry does not interfere with individuals being able to access the protection that is appropriate and tailored to their situation.
5. Experience has shown that cooperation (both practical in terms of joint trainings and conceptual such as joint advocacy initiatives) between NGOs and UNHCR, and among NGOs, is very effective. NGOs in states practicing interception should cooperate with NGOs in the states where refugees are being intercepted or returned.

6. NGOs should ensure that they are aware of UNHCR's 10 point plan on mixed migration. Is it being put into practice? Are there any concerns which should be brought to the attention of UNHCR?

Trafficking

On trafficking, it was noted that the ILO estimates that at any given time at least 2.45 million people live in situations of forced labour as a result of trafficking. Many have specific protection needs under the 1951 Convention that may or may not relate to the trafficking experience. Identification of those in need of assistance and/or protection is thus critical. In the Europe Bureau Regional Session UNHCR was asked to expand its trafficking-related Guidelines on International Protection¹ to include operational directives related to identification issues and practical guidance to decision makers on situations where protection needs may arise out of trafficking experiences. UNHCR foreshadowed convening a round-table discussion bringing together experts to examine trafficking and the asylum-migration nexus.

Water and Sanitation

The session on *UNHCR Challenges in the Provision of Water and Sanitation Services* in refugee operations highlighted huge gaps in the provision of these services in the majority of refugee camps. This has significantly affected the lives, health and livelihoods of refugee, primarily women and children. Several key ways were identified to address this including:

- meeting the agreed standards in the water, sanitation and hygiene (WASH) service provision in refugee camps as a priority, as opposed to merely providing what available budgets will finance;
- building technical capacity and improving design, monitoring and evaluation skills inside UNHCR. A good example given was the response post-Pakistan earthquake when Sphere and Red-R organised field-level training to ensure key messages and standards were reinforced. Other skill-sets also need to be considered include issues such as *Code of Conduct* training at field level; and
- ensuring greater clarity on coordination aspects surrounding the link between the water and sanitation cluster and UNHCR for new refugee crises in order to have clarity of action in the event of a new refugee crisis. This needs to be undertaken between UNHCR and the WASH cluster and between UNHCR and UNICEF to define the scope and mechanism for such collaboration.

Toward a Fully-Independent Internal RSD Appeals Board

In the session titled *An Independent Appeal Board for RSD Cases*, special attention was given to procedural fairness and due process standards in UNHCR's internal RSD appeals system and the need for the development of a Southern Legal Aid network, which is now being planned. Regarding UNHCR's internal appeals system, it was recognised that numerous improvements have been made, despite resource constraints.

For UNHCR, quality first instance RSD and independent appeals are priorities. UNHCR has made progress on both these fronts, including: better initial decisions; a compulsory RSD learning program; greater involvement of supervisors; and having a person other than the primary case officer decide the appeal.

While it was recognized that UNHCR cannot outsource its appeals system to an independent entity, as it has an international mandate for this work, it can significantly improve the independence of its internal appeals system.

¹ UNHCR, Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked. HCR/GIP/06/07, 7 April 2006.

NGOs raised a number of concerns: that refugees are often not allowed representation by an advisor or a lawyer or an interpreter of their choice and where they are provided one by UNHCR protection staff, their backgrounds are not explained to the refugee; protection staff used confidentially-obtained 'evidence' without giving an applicant a chance of rebuttal; protection officers do not provide reasons why an applicant's case had been rejected; there is no fair appeal mechanism against negative decisions; often, an applicant must file an appeal to the same office or official who denied refugee status in the first instance; and the credibility of the applicant for refugee status is assessed in an arbitrary manner without due regard to basic minimum legal standards of proof and due process.

Five basic criteria were suggested to strengthen the appeals process:

1) The appeal officer must be senior to the original decision-maker; and 2) have taken no part in the original decision; 3) applicants must be able to make representations and any representation considered; 4) applicants must be told of right of appeal; and 5) reasons must be given for rejection, if the appeal is denied.

Self-Reliance

The roundtable on self-reliance entitled *Towards a Conclusion on Refugees' Rights Associated with Self-Reliance Rights in 2008* stressed that promoting self-reliance was crucial in protracted situations and a specific aim of the Agenda for Protection, the Millennium Development Goals and the 1951 Convention. There was also the need to distinguish between self-reliance and the durable solution of naturalization. National civil society groups have particular legitimacy in promoting self-reliance for refugees in their own countries.

The key challenge in achieving self-reliance in East Africa was gaining government support. Many host country governments still tend to see refugees as a national security issue and often consider freedom of movement a security risk. They also worry about their capacity to absorb large numbers of refugees into their own economy.

In terms of future directions, it was suggested that: UNHCR engage more with development agencies (not just human rights and humanitarian organizations); support research initiatives showing how refugees contribute to the economy; examine how self-reliance feeds into poverty-reduction; build capacity in institutions to support self-reliance amongst refugees; promote the expansion of markets in geographical areas where refugees reside (so they do not have to move to capital cities); encourage states to factor refugees into their national development plans; and build public support through shaping public opinion.

States must also look at the structure of international funding in relation to promoting self-reliance. Donors fund refugee situations by drawing on relief budgets. In order to promote self-reliance, it is necessary for development funds to also be made available for refugee situations.

Finally, civil society groups were urged to promote a rights-based ExCom Conclusion on Self-Reliance with equitable international responsibility-sharing in 2008.

Local Integration in Africa

In the session on *Local Integration in Africa: Lessons Learnt and the Way Forward*, several key needs were stressed:

- The need for permanent residence for the security of refugees, which required combined NGO/UNHCR lobbying and advocacy.
- Ambiguities in refugee perspectives on local integration need to be addressed as refugees often refuse to participate in small scale integration, fearing that this may exclude them from resettlement.
- We need to factor in the views, thoughts and feelings of refugees. Refugees are not simply victims to be straight-jacketed and put into durable solution boxes. When did the refugee become a passive victim to quantify or someone with no capacity or will? Where is refugee self-determination within UNHCR's dialogues and processes?

- For rural origin refugees, land is crucial. Land is a significant issue in local integration and resettlement.

A key recommendation was that UNHCR advocate for a special fund to support the development of infrastructure to enable effective local integration and re-integration for repatriated refugees.

Livelihoods in Post-Conflict Return

The side meeting on *Building the Peace: Livelihoods in Post-Conflict Return* made a number of key findings:

- Current livelihood programs run by NGOs and by UNHCR tend to be based on short-term thinking and often lack adequate analysis of the economic context of the local situation. Long term analysis needs to be done in an economic context.
- Livelihood programs also usually fail to take into account the “demand” element of “supply and demand”.
- Training programs must also take into account labour supply and demand and also be placed in a cultural context.
- Education is a vital component to rebuilding livelihoods in post-conflict situations.
- The lack of effective livelihood programming results in a lack of protection, especially for women.
- Livelihoods programming must:
 - be based on strategic planning which analyses the economic context
 - include market assessments
 - be conflict-sensitive
- Advocacy to put pressure on UNHCR and NGOs to change their current mindset concerning their current ineffective practices of economic interventions is necessary.
- Partnerships between humanitarian agencies and development organizations are essential for generating economic recovery in post-conflict return settings.
- All agencies must work together in order to create a holistic approach to training, this includes supply chain analysis, job placement and apprenticeships.
- The early recovery cluster presents an opportunity which must be seized, and more active NGO participation in this cluster should be encouraged.

Improving and Expanding Refugee Resettlement

The session titled *Improving and Expanding Refugee Resettlement* noted the increasing role NGOs are playing in enhancing the capacity of states and UNHCR to provide refugee protection, particularly through resettlement. NGO initiatives and involvement have been crucial in providing additional resources for refugee identification, protection and referral needs and in the assessment of durable solutions including resettlement. NGOs are involved in resettlement activities at a number of levels, including: as local partners in countries of asylum; international advocates for resettlement as a protection tool and a durable solution; and as providers of integration services within resettlement countries.

The Session brought together European organisations and two organisations involved in the Mexico Plan of Action, which since its inception in 2004 has grown to four resettlement countries (Chile, Argentina, Brazil and now Uruguay) and is poised to add more.

Key points:

- Partnership was referred to as a joint effort not only in the implementation stage, but in the conceptualization and planning stages as well.
- Latin American speakers noted the difficulty in developing resettlement services and often referred to resettlement as ‘integration’.

- Some NGOs in France and Italy are concerned that resettlement is being used to ‘externalise’ asylum, with resettlement being used as a preferred solution instead of meeting state asylum responsibilities under the 1951 Convention. They are also concerned about the disparity between services to resettled refugees and asylum-seekers.
- Having a voluntary resettlement program is no substitute for in-country asylum, which is a core responsibility of states under the 1951 Refugee Convention and an essential part of the international protection system.
- The decline in the number of asylum-seekers in some European countries has created excess capacity that can be redirected into resettlement activities.
- Resettlement should be seen as a strategic tool to leverage other solutions, such as greater respect for asylum and refugee rights in host countries.
- This is the first year since 1957 that identified needs exceed resettlement capacity and this year resettlement country capacities are expected to be overwhelmed.
- UNHCR is intending to: develop a common advocacy platform with NGOs; emphasize the durable solutions aspect of resettlement; be mindful of the durable solutions framework imposing solutions against the will of refugees; promote a non-discriminatory approach to resettlement, particularly towards vulnerable populations; and encourage greater predictability among resettlement state quotas to ensure greater planning ability.

Focus on Special Situations

Protection Challenges and Opportunities

Another key protection challenge for NGOs raised in the session on *The Challenge and Opportunities of Protection* was the lack of common language and a common framework among humanitarian actors for assessing protection problems. Unless addressed, this will continue to critically effect how we come together and address protection needs.

Different agencies approach protection problems from different angles and often their assessments are influenced by the perception of their ability to assist. For instance, it appears self-evident when a woman is raped while collecting firewood that there is a protection challenge, but how do we analyse the problem and define and develop a common framework for addressing the root cause – is it a rights infringement, a criminal act, a violation of Convention on the Elimination of Discrimination Against Women (CEDAW) or the lack of respect for the law and law enforcement? Our perceptions will impact on the solutions we pursue. For example, if we define protection problems with reference to national law then it is easier to link in with the national authorities.

Best Interest Determinations

With regard to Best Interest Determinations, the side meeting titled *No Small Matter* stressed those pre-conditions – such as identification, tracing, and monitoring – that need to be in place before determinations can be made effectively. The meeting highlighted the need for 1) bettering understanding of how the whole child protection system fits together, not just in a vacuum of best interests determinations; 2) greater collaboration among child focused agencies; 3) better identification and practice in removing documentation bottlenecks; 4) more consistent child welfare expertise rather than reliance on generalist staff during best interests determinations processes; and 5) to ensure identification and documentation and develop practical case-based training material for best interest determinations and prioritize child welfare in systems and staffing. The meeting also noted the need to change the mindset of best interest determinations from ‘a resettlement exercise’ to a tool for ‘child protection’.

Asylum Procedures

The meeting on *The Istanbul Protocol and Asylum Procedures* aimed to familiarise participants with the Istanbul Protocol in relation to asylum procedures and to explore how NGOs can join efforts to promote

awareness of how medico-legal reports are taken into account in asylum procedures. The initiative aims to enhance the protection of survivors of torture and promote the use of medico-legal reports which comply with the Istanbul Protocol.

- To fulfil the obligation to refrain from *refoulement* and to ensure survivors are offered rehabilitation and redress, states need to determine which asylum-seekers are survivors of torture or ill-treatment.
- Medico-legal reports should be used to support these efforts. However, they are often not adequately taken into account in the different European asylum procedures.
- The *Care Full* project has been developed to: give due weight to medico-legal reports in asylum procedures, provide adequate time and facilities to asylum-seekers to enable a more accurate determination, ensure early acknowledgement of health problems, train asylum authorities to recognise signs of torture and trauma, and request medical or psychological expertise.
- UNHCR was asked to: draw up guidelines on the relevance of medical aspects with respect to the need of international protection and on the role and use of medical reports within the asylum procedures; and include medical evidence of torture as a priority theme on the agenda of ExCom's next session and to reach consensus through an ExCom Conclusion.
- It was highlighted that the refugee determination capacity is deficient in assessing claims impacted by torture or ill-treatment (a flawed process leading to an inaccurate determination based on limited information).

Safe Schools and Learning Environments

The session on *Creating Safe Schools and Learning Environments* aimed to raise awareness and commitment to address critical issues impeding access to quality education and learning environments. Education and child-centred/friendly spaces are essential in the protection of children in emergency situations, conflicts, during instability and in protracted IDP and refugee situations. Schools, however, are not always safe places for children as cycles of violence and exploitation can too easily be perpetuated within learning environments. Through creating child-friendly spaces and healing classrooms, the perpetuation of violence and exploitation can be reduced. Repeatedly throughout Pre-ExCom, the need for funding education – primary, secondary and beyond – was stressed as a key to protection and solutions.

Children at Risk

A key problem faced by refugee children in many African refugee camps is the issue of statelessness. Children born in refugee camps cannot claim nationality or are ineligible for the nationality of the host country because of the country's constitution, effectively leaving them stateless. Unaccompanied and amputee children are particularly disadvantaged, having not only lost their limbs or parents, but also their identities. Many resettlement countries are reluctant to accept amputees for resettlement because of the perceived economic burden of people with disabilities. This has resulted in families being separated and amputees being prevented from joining other family members who have been resettled. This leads to extreme vulnerability through loss of family support, risk of predation by others, social isolation and increased poverty.

Regional Sessions

Europe Bureau

The Europe Bureau session stressed four challenges for future work:

- Access to territory and RSD procedures in Europe and ensuring humane treatment in the mean time
- Push backs and *refoulement* happening in Europe
- Combating xenophobia and intolerance and contributing to more receptive attitudes

- Promoting solutions for refugees in Europe; through integration and for refugees in other regions – not least Iraqis – enhanced resettlement.

In order to address these needs, it was noted that UNHCR and NGOs need even greater partnership to develop joint strategies, programs and projects and to jointly have increased funding for NGOs to provide legal and social assistance as well as border monitoring activities.

It was noted that the *High Commissioner's Dialogue on Protection Challenges* on asylum and migration could help in generating greater attention in this area and enhanced partnership. It was also suggested that NGOs should take greater advantage of the Europe Bureau's Consultations with NGOs before finalizing their strategic objectives, which would allow more opportunities to align strategies for the future.

Asia Pacific Bureau:

In the Asia Pacific region, refugee protection is challenging because many states have not ratified the Convention. Refugee advocates have had to draw on other human rights mechanisms (such as CEDAW and the CRC), national legislation and migration mechanisms to advance the protection of refugees.

UNHCR uses a range of methods to influence governments, ranging from quiet diplomacy to public advocacy, but UNHCR is there at the invitation of the host country. Therefore, it is imperative for the UNHCR, international advocacy groups, embassies and the members of the international community to work in strategic partnership when advocating for refugee rights and well-being as each have different types of access and different levels of influence with host governments.

Africa Bureau:

The Africa Bureau session drew attention to a number of ongoing constraints, emphasizing that progress in assistance and protection can be attributed to coordinated efforts with partners. Four priorities were outlined: 1) the promotion of durable solutions; 2) improving standards of care and protection; 3) assisting governments to fully assume their protection responsibilities, and: 4) strengthening partnership. It was suggested that a task force look at how we can better work together for refugees, IDPs and stateless people.

Americas Bureau

The panel reviewed the progress and challenges of the Mexico Plan of Action (MPA) in its 3rd anniversary. The main discussion points were:

1. The instrumental role of civil society in expanding and strengthening protection networks in the region.
2. Progress on 3 key issues regarding the MPA:
 - a. Borders of solidarity: More than 1,000 community projects have been developed in 350 border communities of Ecuador, Venezuela and Panama, benefiting more than 160,000 Colombians in the region.
 - b. Cities of Solidarity: Through alliances of municipalities in 25 cities spanning 7 countries there is a network dedicated to the resettlement of refugees.
 - c. Solidarity resettlement: Argentina, Brazil and Chile together with the newcomers Uruguay and Paraguay are actively involved in resettlement programs for Colombian refugees. Brazil began a new stage of the program accepting Palestinian refugees (117). Chile is following Brazil's steps and is receiving 100 Palestinians this year.
3. More than 200,000 IDPs were registered in Columbia in 2006, where the government is making important efforts to protect and assist this population.
4. Situations in Haiti and Dominican Republic were discussed. UNHCR is preparing a mission to the latter for the end of the year.

It was agreed during the session, that the Bureau should continue focusing on the situation of detained asylum-seekers and refugees in the continent.

The Bureau should be following the progress made in the Dominican Republic and ensure the completion of the waiver for Colombians willing to go to the US with regards to the Material Support Bar.

During the session there was consensus regarding the steps the Bureau should be taking towards the MPA and South-South resettlement.

All the countries involved - donors and non-donors - should strengthen their efforts and commitment towards the MPA. If sustained, it will mean an opportunity for refugees and asylum-seekers worldwide.

Middle East and North Africa Bureau

Overall, the region is volatile with inter- and intra-state problems, military occupations and extremist trends. The fragility of the situation indicates that there may be future problems for large numbers of displaced people. The region shows a lot of promise for development, with gradual advancement in the region in democracy and governance, resources, a young population and widening consciousness of human rights. These changes are slow and gradual and will lead to an increase in viable asylum-seeker systems. The aim is to expand protection systems and the adoption of national asylum systems, RSD mechanisms.

The reorganisation of the CASWANAME Bureau into MENA will allow for long-term goals of building partnerships and being better prepared for emergencies. Longer-term planning will ensure a more consistent presence rather than just arriving when there is an emergency.

Three emergency refugee situations:

1. North Africa: Approximately 200,000 people from Sub-Saharan Africa come across this area with the view to continuing onto Europe, in mixed migration flows. Some of these people are refugees. UNHCR is not a migration agency, but many of these people have protection needs and UNHCR wants to ensure that these needs are adequately met. UNHCR is aiming to form partnerships with local NGOs.
2. Yemen: Continues to absorb a lot of Africans, particularly Somalis. In September, 17 boats brought hundreds of Somalis to Yemen's shores. Many others died along the way or were killed by the smugglers. Yemen continues to recognise and admit Somalis. The international community was urged to recognise the situation and provide more support to Yemen. UNHCR has doubled its budget for 2007 to help support Yemen.
3. Iraq: The escalating violence continues to displace Iraqis. The last eight months has been particularly difficult with UNHCR having to hire staff; negotiate with governments; collect data on the needs of the displaced Iraqis; mobilise international support; ensure protection against forceful returns and safety and protection for their stay in that country.

Three key points:

1. The recognition of the generosity of Syria, Egypt and Jordan, who are hosting thousands of refugees from Iraq.
2. The recognition of the exceptional role of the Red Crescent and meaningful partnerships in the region.
3. The recognition of the work of UNHCR's partners inside Iraq who are providing assistance to the most vulnerable Iraqis.

Key Observations and Recommendations Made

1. The need to expand protection systems in the region and establish national legislation for asylum-seekers and RSD mechanisms.
2. The international community should recognise the situation of asylum-seekers arriving in Yemen and increase support for Yemen so that they can continue to admit people arriving on their shores.

3. Bilateral donors should increase funding for Iraqi refugees and displaced persons.
4. Registration of Iraqi refugees in the region is critical for identifying needs and referral to appropriate services, but despite efforts many Iraqis are unregistered and often in hiding.
5. Durable long term solutions need to be found for Palestinian refugees from Iraq.
6. More funding is needed for education and health.

Annexes

- I. Programme of the Annual Consultations with Non-Governmental Organizations**
- II. List of Participants**
- III. Agenda of Side Meetings at the Annual Consultations with NGOs**
- IV. Keynote Address by Guest Speaker Elizabeth Ferris**
- V. Opening Statement by Mr. António Guterres, UN High Commissioner for Refugees**
- VI. 58th Session of ExCom – Statement of NGOs to the General Debate**
- VII. Statement by Ms Erika Feller, UNHCR's Assistant High Commissioner for Protection**
- VIII. 58th Session of ExCom – Statement of NGOs on International Protection**
- IX. Evaluation of the 2007 Annual Consultations with NGOs**
- X. Review of the 2007 Annual Consultations with NGOs**

PROGRAMME OF THE ANNUAL CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

**26 – 27 SEPTEMBER 2007, INTERNATIONAL CONFERENCE CENTRE GENEVA
28 SEPTEMBER 2007, PALAIS DES NATIONS, GENEVA, SWITZERLAND**

Wednesday, 26 September 2007

International Conference Centre Geneva (ICCG)

11h00 – 13h00 Plenary Session (interpretation English-French-Spanish)

Room 2 Welcome and Opening Address

Nicholas Coussidis, Head, NGO Liaison Unit, UNHCR
Elizabeth Ferris, Brookings Institution on Partnership and Cooperation
Craig Johnstone, UN Deputy High Commissioner for Refugees
Manisha Thomas, Coordinator a.i., International Council of Voluntary Agencies

13h00 – 15h00 Lunch

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

Theme: Partnership & Accountability

Room 2 Humanitarian reform: Responding to IDP situations in non-cluster countries

This session will look at the agency's approach to IDP situations in countries where the cluster approach is not applied. This will include a review of UNHCR activities in support of IDPs in protracted displacement situations and in urban environments. Discussions will focus on factors which facilitate, as well as those which limit UNHCR's involvement in such situations, including those related to political contexts, mandate and capacity. The session will contribute to a better understanding among NGOs of what they can expect from UNHCR, and will look at strategies on how UNHCR and NGOs can work together to improve national and international responses to IDP situations, taking into account lessons learned from the evolving nature of UNHCR-NGO cooperation in countries where the cluster approach already is applied.

Moderator: Jens Eschenbaecher, Norwegian Refugee Council, Internal Displacement Monitoring Centre

Speaker(s): Khassim Diagne, IDP Operations, UNHCR
Elizabeth Ferris, Brookings-Bern Project on Internal Displacement
Naveed Hussain, UNHCR Bosnia-Herzegovina
Dragan Vjanovic, Vasa Prava

Theme: Partnership & Accountability

Room 3 How do we make "Principled" partnership work?

For years, UNHCR and NGOs have discussed the concept of partnership. As a result, in many places, UNHCR and its partners have moved beyond top down implementing partnership agreements and attitudes have become more conducive to partnership. In other places, however, partnership continues to remain rhetoric. Earlier this year the Global Humanitarian Platform (GHP) adopted five "Principles of Partnership": *Equality, Transparency, Result-Oriented Approach, Responsibility, and Complementarity*. These Principles are meant to guide the relationships between three families of the humanitarian community – NGOs, the Red Cross/Red Crescent Movement, and the UN and other inter-governmental organizations. How will these Principles be applied so that they move beyond being just commitments on a piece of paper? Has anything changed to make these Principles and the GHP different than previous discussions about partnership? Will these Principles lead to true strategic partnership this time and, if so, how? What steps need to be taken in order to make principled partnership work?

Moderator: Manisha Thomas, ICVA

Speaker(s): Nicholas Coussidis, NGO Liaison Unit, UNHCR
Johanna Grombach Wagner, International Committee for the Red Cross
Mark Prasopa-Plaizier, Oxfam International

16h30 – 18h00 **Round-table Sessions (Interpretation: English-French-Spanish)****Theme Partnership & Accountability****Room 2** ***How to strengthen and improve partnership?***

Partnership between humanitarian actors works, but it needs to work better. This session will look at ways of improving the effectiveness of partnership in terms of better serving affected populations, as well as improving overall transparency and our accountability to those populations and each other. Given that the nature of humanitarian work is changing; there are more actors on the ground, including well financed armed forces and private corporations; the risks and demographics are changing and there is an increasing politicisation of protection and assistance. Can anyone afford to go it alone anymore? Or do humanitarians have, no choice, but to work together better in order to cope with this changing world?

Moderator: Joan Timoney, Women's Commission for Refugee Women and Children

Speaker(s): Mamadou Ndiaye, OFADEC

Nicholas Stockton, Humanitarian Accountability Partnership

Alan Vernon, Organizational Development and Management Service, UNHCR

Theme Next Steps in Durable Solutions**Room 3** ***Toward a conclusion on refugees' rights associated with self-reliance rights in 2008: A civil society perspective***

Promoting refugee self-reliance is a major component of the Agenda for Protection with solid grounding in the 1951 Convention and is implicit to the Millennium Development Goals. Self-reliance also plays a significant role in promoting all three durable solutions. Nevertheless, the vast majority of refugees suffer substantial restrictions on those rights which are important to attain self-reliance, including the right to work, to practice professions, to run businesses, to own property, to move about freely, and to choose their place of residence-even in protracted situations. International responsibility-sharing has also been lacking in this area. UNHCR's Executive Committee has addressed many aspects of the Agenda for Protection with specific Conclusions but, despite UNHCR's recommendation, not this one. Such a Conclusion would be particularly relevant to the several major refugee-hosting countries who are not party to the 1951 Convention but who are, as ExCom members, participants in the consensus on its Conclusions. What can civil society actors, particularly those in countries who are members of ExCom do to promote a rights-based approach to self-reliance at ExCom 2008 and in general?"

Moderator: Alice Nah, HAKAM and Migration and Refugee Working Group, Malaysia

Speaker(s): George Okoth-Obbo, Division of International Protection Services, UNHCR

Merrill Smith, US Committee for Refugees and Immigrants

Judy Wakahiu, Refugee Consortium of Kenya

Theme Special Situation Focuses**Room 4** ***Protection in mixed migration flows***

Migratory movements are often mixed in character and include refugees and asylum seekers, a fact which is not always sufficiently taken into account by States. Their efforts to "combat" irregular migration have negatively impacted on the possibility to find international protection. Restrictions on access to safe territory include the "externalisation" of border controls and undifferentiated practices of interception, sometimes in cooperation with countries of origin or transit. Increasingly, states impose control functions on private actors such as airline companies. By denying access to territory and related procedures, such practices place people in need of international protection at grave risk. Migrants and refugees alike are often pushed back across land and sea borders and asylum seekers are not given any chance to have their claim individually examined. The human rights of all individuals caught up in these flows must be respected. Measures to control migration need to ensure that the fundamental obligation of *non-refoulement* is not violated. The session will discuss activities undertaken by and issues of concern to NGOs and UNHCR, and learn of the strategic directions being taken by UNHCR to assist states in making their entry systems more protection sensitive.

Pia Oberoi, Amnesty International

Moderator: Bishop Bertin Giorgio, International Catholic Migration Commission

Speaker(s): Patricia Coelho, European Council on Refugees and Exiles

Christopher Hein, Italian Refugee Council

Anja Klug, Protection Operations and Legal Advice Section, UNHCR

Thursday, 27 September 2007

International Conference Centre Geneva (ICCG)

10h00 – 11h20 Regional Sessions

Room 3 Europe Bureau

(Interpretation English-French-Russian)

Discuss strategies and partnerships with the Director.

Moderator: Christine Bloch, Jesuit Refugee Service

Speaker(s): Pirkko Kourula, Director

joined by:

Guy Ouellet, Deputy Director

Udo Janz, Deputy Director

Angela Li Rosi, Head, Policy Unit

Room 4 Americas Bureau

(Interpretation English-Spanish)

The session will provide an overview of developments, accomplishments and challenges in North America and the Caribbean, and Latin America – the latter in particular in the context of the Mexico Plan of Action.

Moderator: Enrique Burbinski, Hebrew Immigrant Aid Society

Speaker: Philippe Lavanchy, Director

11h30 – 13h00 Regional Session

Room 3 MENA Bureau

(Interpretation Arabic-English-French)

The session will provide a general overview of developments, challenges and achievements in the Middle East and North Africa.

Moderator: Abdul Rahman Al Attar, Syrian Red Crescent Society

Speaker(s): Radhouane Nouicer, Director

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

Room 4 Local integration in Africa: lessons learned and the way forward

The session aims to highlight new opportunities to achieve local integration for refugees in the African context, where several States have expressed an increased receptiveness to options for local integration for remaining groups of refugees. The session will provide an opportunity to share experiences regarding the role and constraints faced by the various actors involved in the local integration of refugees. Strong partnerships with Governments, regional organizations and NGOs are required to address the multifaceted challenges of local integration, including its legal, socio-economic and cultural components. The session will promote discussion of the role of NGOs in pursuing this durable solution and explore opportunities for partnerships. Presentations will highlight three refugee situations: Somali Bantus in Tanzania; urban refugees in South Africa; and the remaining Liberian and Sierra Leonean refugees in West Africa.

Moderator: Michael Gallagher, Jesuit Refugee Service

Speaker(s): Johnson Brahim, Government of Tanzania

Fatima Khan, University of Cape Town Law Clinic

Raouf Mazou, UNHCR Liberia

13h00 – 15h00 Lunch

15h00 – 16h20 Regional Sessions

Room 2 Africa Bureau

(Interpretation: English-French)

Following a brief presentation by the Director of the Africa Bureau on main developments and challenges in Africa since the last NGO consultations, discuss issues of concern with the Africa Bureau.

Moderator: Mamadou Ndiaye, OFADEC
 Speaker(s): Marjon Kamara, Director *joined by:*
 Marie-Christine Bocoum, Deputy Director
 Steven Corliss, Deputy Director
 Mengesha Kebede, Deputy Director

Room 3 Asia and the Pacific Bureau

(Interpretation English-French)

Partnership in Advocacy: Brief presentation on areas and themes in the region where UNHCR and partners can work in a complementary manner on advocacy for refugees. Overview of models where advocacy by numerous stakeholders has helped to unblock stalled issues, bring renewed attention to 'forgotten' problems, and/or highlight publicly issues where UNHCR has counted on the support of partners to make progress.

Moderator: Alice Nah, HAKAM and Migration and Refugee Working Group
 Speaker: Janet Lim, Director *joined by:*
 Daisy Dell, Deputy Director
 Pascale Moreau, Senior Policy Adviser

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

Theme Special Situation Focuses

Room 4 Creating safe schools and learning environment

It is important to raise awareness and commitment to address critical issues impeding access to quality education so that children are ensured a safe and quality school and learning environment. Schools first and foremost need to provide safe environments for all children; yet an alarming number of schools throughout the world are failing to protect students from violence, in particular countries with weakened systems as a result of armed conflict. Violence in schools is reportedly often gendered in nature. This has an impact on the access and quality and safety of learning and teaching in classrooms all over the world. Estimates suggest that close to half of all female students and a sizable number of male students experience some form of sexual violence within an educational context. An unknown number of students are subjected to physical and psychological forms of gender-based abuse such as corporal punishment and bullying. This session will include presentations and discussion on protection risks as a consequence of lack of access to quality education as well as samples of good practices of programmes and guidelines.

Moderator: Christine Bloch, Jesuit Refugee Service
 Speaker(s): Wayne Bleier, Christian Children Fund
 Marion Fresia, Technical Support Section, UNHCR
 Jackie Kirk, International Rescue Committee

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

Theme Special Situation Focuses

Room 2 The challenges and opportunities for the delivery of protection and assistance in complex humanitarian emergencies and operations

This session will focus on the opportunities presented to the humanitarian community at this time to improve impact and accountability in protection and assistance in complex humanitarian emergencies. Key discussion areas will include: the opportunity to use presence as an effective protection tool, successful examples of protection mainstreaming into sector assistance, and development and utilization of monitoring and evaluation tools for protection interventions. It is expected that challenges to moving forward with suggested new protection initiatives will be raised in the spirit of identifying solutions.

Moderator: Thomas Getman, World Vision International
 Speaker(s): Pierre Barras, International Committee for the Red Cross
 Andrew Harper, Iraq Support Unit, UNHCR
 Gerry Simpson, Human Rights Watch
 Makiba Yamano, World Vision Pakistan

Theme Next Steps in Durable Solutions**Room 3 *Improving and expanding refugee resettlement***

The session will present NGO perspectives from recently established resettlement programs in Latin America (Argentina and Brazil) and emerging/potential programmes in Europe (France and Italy). Panellists will discuss cooperation with UNHCR and with government partners in planning and implementing resettlement programs. Discussion will focus on overall challenges to new programmes under the Mexico Plan of Action, solutions presented and the value added by NGO involvement, and will provide a basis for discussion of the advocacy and planning currently underway for potential European programmes. In addition to the above mentioned panellists, UNHCR Resettlement Services will be represented on the panel and will provide an overview of the importance of improving and expanding resettlement operations in the current context of increased refugee numbers worldwide.

Moderator: Jared Bloch, International Catholic Migration Commission

Speaker(s): Enrique Burbinski, Hebrew Immigrant Aid Society

France Charlet, Forum Réfugiés

Vincent Cochetel, Division of International Protection Services

Christopher Hein, Italian Refugee Council

Rosita Milesi, Instituto Migrações e Direitos Humanos

Theme Next Steps in Durable Solutions**Room 4 *Build the peace: Livelihoods in post-conflict return***

The session will focus on the importance of creating economic opportunities in the context of refugee/IDP return; the shortcomings of many current interventions; the importance of livelihoods as a tool of protection; and what can be done to improve economic programs especially those targeting women and youth. The session will include case examples from South Sudan and Liberia as well as current activities underway within UNHCR such as the Women Leading for Livelihoods project.

Moderator: Melanie Teff, Refugees International

Speaker(s): Dale Buscher, Women's Commission for Refugee Women and Children

Alfredo Lazarte, ILO Crisis Group

Pablo Mateu, Peace Building, Livelihoods and Partnerships Section, UNHCR

18h30 Reception – UNHCR Cafeteria**Friday, 28 September 2007**

Palais des Nations Geneva, Room XIX

10h00 – 11h30 Plenary Session (Interpretation English-French-Spanish)**Room XIX *Can there really be a link between the NGO consultations and ExCom?***

UNHCR's Annual Consultations with NGOs have long been called "Pre-ExCom" because they are held prior to UNHCR's Executive Committee meeting. What were once a one-day meeting of NGOs to strategise on their interventions to ExCom, today's consultations range over a period of three days with discussions on issues of shared concern that rarely find their way into the ExCom deliberations. The report by the Pre-ExCom Rapporteur generally has little impact because it is delivered far down the agenda and States rarely ask questions. The session will question if there are ways to link the NGO consultations and ExCom. What is the purpose of such a linkage? Can ExCom become a more dynamic body that would allow for better discussion that would bring in the debates from the NGO consultations? Should NGOs influence the ExCom agenda? Would changing the timing of the NGO consultations improve the ability of linking to ExCom?

Moderator: Pia Oberoi, Amnesty International

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

Eileen Pittaway, Asian Women's Human Rights Council

Emina Tudakovic, Canadian Mission, Rapporteur to the ExCom Bureau

11h30 – 12h00 Plenary Session (Interpretation English-French-Spanish)**Room XIX *Report on the NGO consultations***

Ambassador Love Mtesa, ExCom Chairman

James Thomson, Rapporteur to the Annual Consultations with NGOs

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

Room XIX *Closing Address by*
António Guterres, UN High Commissioner for Refugees

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26 - 28 SEPTEMBER 2007
CICG – PALAIS DES NATIONS

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ANNEX III

AGENDA OF SIDE MEETINGS
ANNUAL CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS
26 – 27 SEPTEMBER 2007
INTERNATIONAL CONFERENCE CENTER GENEVA, SWITZERLAND

Wednesday, 26 September 2007
International Conference Centre Geneva

13h30 – 15h00 Room 3

No Small Matter – Ensuring protection & durable solutions for unaccompanied & separated children

Susan Krehbiel, Lutheran Immigration and Refugee Service and Study Coordinator
Ron Pouwels, Senior Adviser for Refugee Children, UNHCR

Learn about a recent mapping exercise undertaken by Lutheran Immigration and Refugee Service (LIRS) to assist UNHCR in the implementation of the *Guidelines on the Formal Determination of the Best Interests of the Child*. The LIRS *No Small Matter* report lays out six main findings that emerged from the mappings and expert interviews from October 2006 – February 2007, and discusses their implications for the implementation of the *Guidelines*. Participants are invited to join a discussion on the preconditions for conducting formal Best Interests Determinations and the possible uses of future mapping exercises to strengthen the protection and durable solutions for unaccompanied and separated children.

Background: In May 2006 UNHCR provisionally released *Guidelines on the Formal Determination of the Best Interests of the Child*. These provide specific guidance to UNHCR and partner staff around the procedural safeguards and documentation needed when making any decision that has a fundamental impact on the life of children of concern to UNHCR, in particular unaccompanied and separated children (e.g., making decisions about complex care arrangements, providing a durable solution, removing a child from parents). The ability of UNHCR field offices to effectively implement these *Guidelines* depend in part on the extent to which current systems and resources already address child protection and best interests considerations and that field offices are able to identify when formal best interests determination procedures are required. Such systems and resources have been named “preconditions” for the purposes of this study.

13h30 – 15h00 Room 4

An Independent Appeal Board for RSD Cases (AMERA)

Deljou Abadi, Africa and Middle East Refugee Assistance
Zachary Lomo, St. Edmond’s College, Cambridge
Rick Stainsby, Status Determination & Protection Information Section, UNHCR

Over the last three years there have been significant improvements in the procedures in deciding refugee status determination (RSD) cases adjudicated by the UN High Commissioner for Refugee. These improvements are welcome and will be reported in this session. However, a sound RSD system should not only include reasons for decisions, legal representation, and disclosure of confidentially obtained evidence, but it also must make an independent appeal against rejections an integral part. Some recent developments underscore the importance of a holistic approach to RSD so as to reduce the risk of refugees being errantly refused protection.

Thursday, 27 September 2007
International Conference Centre Geneva

8h30 – 10h00 Room 3

Challenges in provision of WatSan services in protracted operations

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Jean Lepegue, Head of Water and Sanitation, Action contre la Faim
Julian Parker, Regional Technical Advisor, International Rescue Committee
Dinesh Shrestha, Senior Water and Sanitation Officer, UNHCR

Background: Despite technical advances and stronger inter-agency collaboration, there is still a huge disparity between the principles and standards of watsan provision and the level of service delivery on the ground. There is a plethora of literature, guidelines and standards in the sector but they are not being translated into improved services, as seen from our own monitoring reports. This has not only deprived our persons of concern from potential health, social and psychological benefits, but also it means that scarce resources not being used optimally. The session shall address this issue based on field experiences and technical data. UNHCR has already a good deal of information on the key gaps collected through field surveys during the last two years and this will be complemented by information gathered by NGO partners. The event will be key to generating awareness and advocacy among the donors and stakeholders, who will be participating in UNHCR's Annual Executive Committee (ExCom) meeting.

Expectations: The session should bring together the main practitioners from the field to discuss the various challenges and opportunities in the water and sanitation sectors in order to jointly come up with a series of strategic and pragmatic recommendations.

8h30 – 10h00 Room 4

Istanbul Protocol

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Anne Reneman, Policy Officer, Dutch Council for Refugees
Erik Vloeberghs, International Policy Officer, Pharos – Centre of Knowledge on Refugees and Health

Background: States have a clear obligation under international law to refrain from refoulement. Furthermore states also have an obligation to ensure that torture survivors are offered rehabilitation and redress. In order to fulfil these obligations states need to determine which asylum seekers are survivors of torture or ill-treatment. Medico-legal reports can support these efforts. They may help to interpret the asylum story and identify any barriers impeding the asylum seekers from giving a coherent account of his or her experiences. However, medico-legal reports are often not (sufficiently) taken into account in European asylum procedures. EU member states have different laws, policies and practices regarding the role and use of medico-legal reports in the asylum process. The Istanbul Protocol, a comprehensive set of guidelines for the investigation and documentation of torture, should be used in asylum procedures. Although these guidelines were intended for medical documentation of torture within criminal proceedings, the protocol explicitly refers to asylum procedures as well. Amnesty International - Dutch section, The Dutch Council for Refugees, and Pharos - centre for knowledge on refugees and health initiated the Care full project. This project is the result of the international expert's meeting 14-15 November 2006 in Amsterdam, the Netherlands. During this meeting more than twenty organizations from eleven European countries, providing legal and/or medical support to asylum seekers, expressed concern that asylum procedures applied in each country leave little room for survivors of torture or ill-treatment to be properly heard. The objective of the Initiative is to enhance the protection of survivors of torture or ill-treatment seeking asylum in Europe. To achieve this objective it formulated the following - general - recommendations. Member States should provide:

- (i) An asylum procedure which ensures the early identification of survivors of torture and ill-treatment.

- (ii) A decision-making process in which due weight is given to medico-legal reports.
- (iii) Promote the Istanbul Protocol's guidelines as being relevant within the asylum context and provide training for asylum authorities on the Istanbul Protocol.

Expectations: By means of this side meeting we hope to familiarize the participants with the Istanbul Protocol in relation to asylum procedures and to explore how NGOs can join efforts to promote that medico-legal reports are (better) taken into account in asylum procedures in Europe.

13h30 – 15h00 Room 3

Forgotten refugees

Godwin Buwa, Refugee Law Project, Uganda
Tenneh Kpaka, Australian National Committee on Refugee Women
Eileen Pittaway, Centre for Refugee Research, University of New South Wales, Sydney, Australia

“Please just bomb the camp, throw us into the sea. I am not saying this because I am mad. I am saying this because our lives have been so ruined, so terrible and so harsh that I would prefer my children and grandchildren to be dead than to have to live through what we have lived through for the last 15 years. No-body knows we are here – nobody cares.” (Rohingya Refugee, Bangladesh 2007).

Increasingly the world has become aware of the horrendous plight of so many millions of refugees in protracted refugee situations – refugees who have lived in appalling camps and urban ghettos for up to 20 years. Children are born and raised in camps, knowing no other life yet still the refugees cling to dreams for a safer and a better future. But within that population there are groups who have suffered so much that they have almost run out of hope. These are the forgotten refugees. Seldom mentioned in discussions about durable solutions, never targeted for world attention by CNN, they lack even the most basic of services, and sit ignored by the humanitarian community, prey to corrupt regimes and exploited by those who have power over their lives. In this workshop we will talk specifically about the stranded Sierra Leonean refugees in Guinea, the Rwandans still stranded in Uganda, and the Rohingyas in Bangladesh. There are many other pockets of forgotten refugees. We will identify strategies to bring their situation to the attention of UNHCR member states, donors and service providers. We will work to make sure that they do not remain forgotten.

13h30 – 15h00 Room 4

Health, nutrition, HIV/AIDS data management systems/Health Information System (HIS)

Arnauld Akodjenou, Director, Division of Operational Services, UNHCR
Nadine Cornier, Reproductive and Child Health Officer, UNHCR
Heiko Hering, Public Health Information Officer, UNHCR
Dan Koros, International Rescue Committee, Kenya

Strong and reliable health data informs evidence-based policymaking, leads to better management of public health programmes and, ultimately, drives the actions that improve refugee health. Yet there is no common strategy among UNHCR and its health partners to underpin the collection, reporting and analysis of public health data in refugee settings.

The session will present experiences rolling out a standardized Health Information System (HIS) in eight refugee operations in Africa and Asia in 2007. The session will demonstrate how a common HIS can be used to strengthen service delivery and improve health outcomes among populations of concern. It will examine successes, challenges, and means of improving collaboration between stakeholders, at all levels of health management.

Expectations: The session aims to raise awareness among NGOs and expand the alliance of partners using a standardized HIS. It will promote inter-agency partnership and discuss strategies to accelerate adaptation and roll-out of HIS to non-camp based settings.

ANNEX IV

KEYNOTE ADDRESS BY ELIZABETH FERRIS ANNUAL CONSULTATIONS WITH NGOS 26 SEPTEMBER 2007

Partnership, partnership

Partnership is a nice word. It has a warm feeling to it. It is well-understood. For example, my husband is my life partner. My colleagues are my partners in our work. The Brookings-Bern Project on Internal Displacement works with partner institutions in many parts of the world. Partnership is a nice word.

The word partnership has a long history in the humanitarian community. For years, UNHCR has worked with implementing partners – not quite as warm a term as just partner – but certainly better than ‘subcontractor.’ PARinAC, or ‘partnership in action’ was based on the recognition that if partnership is to be meaningful, it must be more than just nice words. Action is required. Joint action.

Today I want to focus on partnerships within the NGO community. Usually at these meetings we focus on the UNHCR-NGO relationship or partnership and we’re usually quite critical. It’s true that sometimes NGOs resent a certain ‘arrogance’ of UNHCR staff. It’s true that often NGOs feel that they are viewed as ‘junior partners’ in this partnership – and if we’re honest, that feeling is based in the fact that UNCHR is a big organization with lots of resources – more resources than most NGOs have. It’s also true that sometimes NGOs feel a certain moral superiority because they work for far lower salaries and aren’t constrained by the same bureaucratic limitations that the UN faces. And usually at these meetings, we end up talking about the UNHCR-NGO relationship. But the fact is that UNHCR is one of the best UN agencies in terms of dialogue and access to NGOs. There is much to be done to make the UNHCR-NGO relationship a true partnership, but I want to focus on the partnerships among NGOs.

Take a minute and look around this room. 250 NGOs are present, from every region. There are large international NGOs which have budgets which are close to – or surpass -- that of UNHCR. There are small national NGOs which have only a handful of staff. Some of the NGOs here today work on a whole range of issues, including refugees and IDPs, but also development and peacebuilding and democracy and HIV/AIDS and the environment. Some are quite specialized and focus exclusively on refugees. Some are vocal opponents of their governments while many get along quite well with their governments. Many of the NGO representatives here have attended these consultations for several years. For some this is their first exposure and even their first trip to Geneva. One thing that most of the NGOs in this room have in common is that they are constantly looking for funds to keep their programs going. In fact, I should say that this group isn’t typical of the broader NGO humanitarian community because you are here! You’ve been able, one way or another, to scrape together the airfare and to survive Geneva’s expensive prices. You can also go to sleep tonight reasonably secure that your hotel won’t be bombed.

The Global Humanitarian Platform is an initiative to bring together the three main families of humanitarian actors on an equal footing – non-governmental organizations, the Red Cross/Red Crescent movement, and UN and other intergovernmental agencies – in order to increase the effectiveness of humanitarian response. The July 2007 meeting of the Global Humanitarian

Platform adopted ‘principles of partnership’ which are to serve as a basis for relationships within and between the three families of actors. Let me review these principles:

- Equality
- Transparency
- Result-oriented approach
- Responsibility
- Complementarity

I think we can all agree that these are also nice words. I want to talk about these principles in the context of partnerships within the NGO community. Look around the room again. Do you feel that you are – or could be -- partners with the other NGOs in this room? Do you feel that you relate to each other on the basis of equality? Or are the big international NGOs – or the Geneva insiders or the native English-speakers -- somehow more equal than others? How transparent are you with the other NGOs that you do know? The NGOs, for example, working on the same issues in your country? Do you feel comfortable sharing your strategies and your financial reports with them? And how much do you really work together with other NGOs in your country to ensure that your work is more effective? Do you strategize together and agree on a coordinated approach? Or do you just tell each other what you’re planning to do? Or what you’ve done? Do you feel responsible to other NGOs – or just to your boards and your donors? When you’re undertaking a project, do you consider how your efforts would complement those of other NGOs? Would you stop a particular program if there were another NGO in the country doing a better job?

The principles of partnership apply to relations between NGOs as well as to the relationship between NGOs and the UN and between NGOs and the Red Cross/Red Crescent Society.

As many of you know, I worked in the NGO world for many years and I have a deep appreciation for the contributions which NGOs have made – on the ground, in assisting and protecting refugees and IDPs and also at the international level. NGOs have led the way for the whole humanitarian community in many ways – it was NGOs that pressed and lobbied and mobilized to have IDPs recognized as a group with particular needs. It was NGOs that pressed and lobbied UNHCR to take issues of gender and children seriously. It has been largely through NGO initiatives that issues such as accountability to beneficiaries are on the international agenda. NGOs have modeled peer reviews and codes of conduct. In fact, NGOs, particularly international NGOs shape the international humanitarian response. At a recent seminar Brookings organized on the media and humanitarian response, the role of NGOs in alerting the international community to act was clear.²

In sum, NGOs are a wonderful source of creativity, compassion and change. But all is not right in our sector and I believe that we need to confront some of these issues. In particular I want to focus on power and money and relate them to the Principles of Partnership adopted by the Global Humanitarian Platform.

Power, Money, and Partnership

Equality

The principles of partnership say:

² For more on this issue, see Abby Stoddard, Humanitarian Alert, Kumerian Press, 2006.

Equality requires mutual respect between members of the partnership irrespective of size and power. The participants must respect each other's mandates, obligations and independence and recognize each other's constraints and commitments. Mutual respect must not preclude organizations from engaging in constructive dissent.

But if we look within the broader NGO community, it is clear that we are a long way from achieving this equality and mutual respect. We aren't all equal. There are major differences in power between international NGOs and between international NGOs and national NGOs. Less than a dozen international NGOs mobilize 90% of the funds for humanitarian response. All of these have their headquarters in the North. Although most have some kind of federation structure and work through national affiliates, I think it's fair to say that they are dominated by Northern-based affiliates.

The difference in resources between international and national NGOs is notable. Many international NGOs provide funds for national NGOs. But this pattern is changing with more international NGOs opening offices in Southern countries. Where once international NGOs channeled funds to national NGOs to implement projects, increasingly they are operational themselves and may be competing with national NGOs for funds. The number of international NGO branches, measured by the presence of an office or just an individual member in Africa rose 31% to 39,729 between 1993 and 2003. The rate of increase in sub-Saharan Africa was higher: 40%.³

A recent article notes that "a growing number of complaints are being voiced by reputable national NGOs that their Dhaka-based international counterparts are increasingly squeezing them out of the race for local project funding. It seems these international NGOs (INGOs) no longer restrict themselves to mobilizing resources from their rich home countries to bring into Bangladesh." The article goes on to say that funds are increasingly disbursed locally by donor agencies and embassies which seem to prefer to work with international NGOs rather than national ones. The author suggests that expatriates have an unfair advantage in accessing these funds.⁴

Many complaints about international NGOs have been voiced by national NGOs. 'They hire our best staff with salaries that we can't match.' 'They don't share their plans with us.' 'They are included in UN meetings, but we often aren't.' 'They sometimes don't respect our culture.' 'Their actions can get the whole NGO community into trouble with the government.' 'They reduce funding or end programs with little notice or explanation.'

National NGOs themselves are far from perfect. Some have political agendas. Some have terrible records of reporting and financial accountability. Some are more vulnerable to actions by their governments than international NGOs.

I also want to suggest that a lot of the tension between international and national NGOs – as well as between international NGOs – has to do with the competitive funding environment. Many international NGOs say they are committed to capacity-building of national NGOs. But think about this for a moment. What would happen if national NGOs developed sufficient capacity to

³, William Mclean, "Foreign NGOS Map New Route to African Legitimacy," Reuters, 9 October 2005, p. 1.

⁴ Jannatul, Mawa, "The Disparity between National and International NGOs," The Independent, 4 October 2000, p. 1. www.globalpolicy.org/ngos/role/globdem/funding/2001/0410disp.htm

be able to carry out operations as efficiently as international NGOs? Don't international NGOs have a vested interest in not building the capacity of national NGOs? What does this mean for partnership? Equality?

Transparency

A second principle of partnership is transparency. The Principles of Partnership say:

Transparency is achieved through dialogue (on equal footing), with an emphasis on early consultations and early sharing of information. Communications and transparency, including financial transparency, increase the level of trust among organizations.

If we take transparency together with equality, this implies that everyone shares information equally. But we are far from this point. While there may be good sharing of day-to-day information at the country level, I suspect that does not extend to sharing of strategies and long-term plans. I remember when I worked at the World Council of Churches and we would have roundtable meetings with partners – both funding partners and national partners – the local partner, say the Zimbabwe Council of Churches, would lay out their plans in great detail and the funding partners would comment and probe and eventually fund the program. But the funding partners didn't share their strategy papers for Zimbabwe – not with the local partner, nor with each other. Are international NGOs and national NGOs alike willing to share their budgets and plans and strategies with each other? If not, what does this say about transparency?

Results-oriented approach

Effective humanitarian action must be reality-based and action-oriented. This requires result-oriented coordination based on effective capabilities and concrete operational capacities.

We are all interested in results. Although it is true that humanitarian work at times resembles a disaster industry, it is also true that NGOs are staffed by people who are motivated by compassion and altruism; they want to help people in need. And, lest we get too smug, let me stress that we don't have a monopoly on those attributes. NGOs have a fairly bad reputation for coordination. (Certainly not people in this room!) But NGOs each have their own system of accountabilities. Think about the coordination mechanisms in which you're engaged. Would coordination be easier or more effective if you started by putting the results first? If instead of saying 'this is what we're planning to do,' the conversation began with 'how do we (collectively) stop women from getting raped when they're looking for firewood?' There are some good examples in the NGO community where those kinds of questions have been asked and have led to good joint initiatives to reduce violence in refugee settings. I think NGOs eventually responded pretty well to the 2002 revelations of widespread sexual abuse in West Africa. But the first response was to send out teams of staff from the different international NGOs to investigate what happened. And then, satisfied that **their** staff hadn't been involved in any abuse, they began to work together to develop a common response.

The need for visibility in order to raise money sometimes makes result-oriented coordination more difficult. Sometimes NGOs respond to a particular crisis not because they have particular expertise which is needed, but because they need to be visible, to be seen as responding. The competition for funds makes it difficult to coordinate effectively.

This principle calls for result-oriented coordination based on effective capabilities and concrete operational capacities. If we don't have transparency, it's hard to be clear about the capabilities and concrete operational capacities which different NGOs bring to the table. This relates to the principle of responsibility and complementarity as well.

Responsibility

Humanitarian organizations have an ethical obligation to each other to accomplish their task responsibly, with integrity and in a relevant and appropriate way. They must make sure they commit to activities only when they have the means, competencies, skills, and capacity to deliver on their commitments. Decisive and robust prevention of abuses committed by humanitarians must also be a constant effort.

What does it mean to say that NGOs have an ethical obligation to each other? I suggest that it means when you commit yourself to do something for or with NGOs, that you actually do it, that you don't get sidetracked when, for example, a donor request comes in. NGOs should commit to activities only when you have the means, competencies, skills and capacity to deliver on these commitments. Sometimes NGOs take on tasks when they don't have the capacity because they expect the resources which will come in will help build that capacity. The attitude is sometimes 'well, we've never worked with children before, but we could certainly learn if we got this grant.' How many of you have volunteered for a task when you knew you didn't have the time to do it well? Sometimes undoubtedly, you manage to pull it off and that's part of the NGO ethos – or 'can do' spirit. But it's also one of our greatest weaknesses as a community.

Complementarity

The diversity of the humanitarian community is an asset if we build on our comparative advantage and complement each other's contributions. Local capacity is one of the main assets to enhance and build on. Whenever possible, humanitarian organizations should strive to make it an integral part in emergency response. Language and cultural barriers must be overcome.

This principle has two parts: we should build on our comparative advantage and build local capacities. Sometimes these two parts are contradictory. Let's take an example. Say super International NGO has a well-established track record of camp management and local NGO has a good record in vocational training. The principle of complementarity would suggest that super NGO manage the camp while local NGO carries out vocational training. But that doesn't allow much movement or growth. How will local NGO ever develop the skills to manage a camp? But what happens if we look at capacity in a broader sense – not just funding or technical expertise in a given sector, but also ability to relate to the community, to understand local cultures and norms, to remain in the community? If we broaden the understanding of capacity, it might turn out that super NGO doesn't have the capacity which is needed to run the camp.

What does it mean to build capacity? Capacity-building has become one of our buzzwords, we use it all the time. But what does it mean? Even leaving aside the different understandings of capacity, how do we know what works? Is it more cost-effective to organize a one-time training seminar for 100 people or to support one person to take a 3-week course on reporting? Is it more beneficial to send a consultant to work with a particular local NGO for several months to deal with administrative issues or to organize a training course for all NGOs on administrative management in a particular town? Are there ways that capacity can be built aside from training? I've often wondered, for example, if international NGOs are concerned with capacity-building of local NGOs, why don't they include them in, for example, their needs assessment missions?

Maybe seeing how it is done would build capacity more than participating in a course on how to carry out needs assessment. And if we look at capacity as the ability to protect and assist vulnerable people, are international NGOs ready to look at the capacities which local NGOs bring? How do you balance capacities such as knowing how to speak a local language with the ability to develop indicators of impact?

Partnership, partnership. It is such a nice word. But when you unpack it and begin to consider what it really means on the ground, it's a little more complicated. The principles of partnership developed by the Global Humanitarian Platform offer us yardsticks for assessing the state of the partnership within the NGO world. And when we are able to address some of the problems – especially those coming from sensitive issues of power and money – within our community, we will be in a stronger position to develop meaningful partnerships with UN agencies and the Red Cross/Crescent movement.

Thank you.

ANNEX V

**OPENING STATEMENT BY MR. ANTÓNIO GUTERRES,
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES**

58TH SESSION OF EXCOM : 1-5 OCTOBER 2007

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

Welcome to Geneva. It will be a great pleasure for me to work with you this week.

The present century is a time of human displacement. With each economic opportunity and departing vessel, every calamity and conflict, the 21st century is being marked by people on the move.

UNHCR is totally committed to deliver according to its mandate. Protection, assistance and solutions for refugees, along with the reduction of statelessness, form the core of our activities. Nothing will divert us or our resources from these responsibilities. But the effectiveness of our actions depends on our ability to understand the broader patterns of people on the move in today's world. Why is migration growing so dramatically? What are the current causes of forced displacement?

There are several explanations for the trends in migration. More and more people are moving in pursuit of better jobs or more fulfilling lives. Poverty remains a meaningful cause. Eager to join the global economy but unable to do so legally, thousands of poor migrants are resorting to increasingly desperate channels.

As I said last year and want to repeat here at the outset: UNHCR is not a migration management agency and does not want to become one. But to be able to fulfill our mandate, we must recognize the mixed nature of many present-day population flows. In the Mediterranean, the Gulf of Aden and the Caribbean, along north-south frontiers and, increasingly, along south-south borders, in the midst of migrants in search of a better life there are people in need of protection: refugees and asylum-seekers, women and children victims of trafficking.

The ability to detect them, assure them of physical access namely to asylum procedures and a fair consideration of their claims, is a key element of our mission.

This is an area of privileged cooperation between UNHCR, governments and civil society. That is why, in the first edition of the "Dialogue on Protection Challenges" in December, you are all invited to participate in a free-ranging debate on the asylum-migration nexus and its protection implications. The discussion will also focus on UNHCR's 10-Point Plan of Action, developed in response to the new patterns of displacement.

UNHCR is fully engaged in the work of the Global Migration Group and supports the Global Forum on Migration and Development. We look forward to the second meeting of the Global Forum in the Philippines next year, and will continue to advocate for an approach to migration and development that effectively addresses asylum, protection and human rights.

But, ladies and gentlemen, the complexity of today's displacement goes well beyond the asylum-migration nexus. We see more and more people forced to move because of extreme deprivation, environmental degradation and climate change, and conflict and persecution.

Many move simply to avoid dying of hunger. When leaving is not an option but a necessity, this is more than poverty. On the other hand, natural disasters occur more frequently and are of greater magnitude and devastating impact. Almost every model of the long-term effects of climate change predicts a continued expansion of desertification, to the point of destroying livelihood prospects in many parts of the globe. And for each centimeter the sea level rises, there will be one million more displaced. The international community seems no more adept at dealing with these new causes than it is at preventing conflict and persecution.

I believe it is extremely important for us to examine the reasons, the scale and the trends of present-day forced displacement. It involves much more than understanding refugee flight in itself.

What is new is that the various causes are ever more related, the people on the move harder to tell apart. Each cause contributes to the other. In Darfur, for example, a Janjaweed attack on an African tribe's village may be motivated by the political crisis. But the results resemble that of another emerging pattern, a water shortage which sets herders against farmers. On my recent trip to Southern Africa there was a common understanding with governments that Zimbabweans seeking asylum based on persecution should be granted refugee status. But what to do with people who simply say they are hungry and cannot find the means to support their families? Can we knowingly send them back to such deprivation? It is obvious that some form of temporary shelter must be found. The answer to this complex dilemma clearly goes beyond our own mandate. But it is also our duty to alert states to these problems and help find answers to the new challenges they represent.

Ladies and Gentlemen,

Understanding the broader picture should not divert us from our mandate. The causes of refugee flight are sufficiently worrisome. At the end of 2006, after several years of steady decline, the number of refugees worldwide rose to nearly 10 million.

Despite meaningful return operations, the upward trend has continued this year, with crises such as Iraq and the Horn of Africa adding daily to the ranks of the displaced. Today, Iraqis in- and outside the country make up the biggest single group of displaced. Adding complexity to their sheer numbers, they represent the largest urban refugee group UNHCR has ever dealt with.

The heavy burden the Syrian Arab Republic and the Hashemite Kingdom of Jordan have borne to accommodate so many Iraqis, and its dramatic impact on the economy and society, underscore the pressing need for greater international solidarity. Their action places them on the list of very generous countries of the developing world – Pakistan, Iran, Tanzania, Kenya, Uganda, Chad, Guinea, Zambia and Ecuador, to name just a few – which have hosted outside numbers of refugees.

At the same time, and in cooperation with partners, notably through the cluster approach, we are present in 23 countries with a total population of nearly 20 million internally displaced people. So at the close of 2006, the figure of persons of concern to UNHCR stood at 32.9 million.

Rising numbers of refugees, added institutional responsibilities, the side effects from an increasingly globalized labour force, a shifting environment and an age of people on the move

demand a range of targeted strategies and innovative answers. Forced displacement is not new. But in concert with trends of such far-reaching consequence, growing numbers of people of concern are not only a test for states and the international community, but a major challenge for our organization.

We must meet that challenge. And with your support we can do so. For that, we must match the dynamic and flexible nature of the tasks at hand.

Ladies and Gentlemen,

Our first responsibility is to direct as much of our resources and energy as we can to those challenges. With that goal, I pledged here a year ago that a larger share of funds would go to the people we care for, with a smaller share spent on the organization itself.

In 2007, for the first time in a decade, an upward trend in global staff costs has been reversed. Over the first eight months of this year, in operations covered by the annual budget, we spent US\$36 million more on operations than staff. Over the first eight months of 2006 we had spent \$17 million more on staff than on operations. If Supplementary Budgets are included the contrast is even greater. At the beginning of 2006, the number of staff members at Headquarters was 1,047; they are now 911. With the money not spent from last year's staff budget, we allocated \$15 million to pressing needs in malnutrition, malaria, reproductive health, and sexual and gender-based violence in several of our operations. That money is making a real difference.

This is a complete reversal of a trend that was asphyxiating UNHCR and took us to the verge of financial paralysis at the beginning of 2006. And we are doing more with fewer colleagues, which speaks eloquently about the quality and dedication of our staff.

The turnaround is the result of short-term measures. But reform will let us go deeper, and we are now pursuing five key reform initiatives:

First, outposting. This June, following a feasibility study and careful analysis, we decided to outpost several administrative functions to Budapest, Hungary, thereby reducing 129 posts at our Geneva Headquarters. Once initial investments have been made, locating these services where they are most cost-effective will allow us to save approximately \$10 million per year to be spent in operations. The transfer of functions to the new centre will be carried out in the first semester of 2008.

Second, decentralization and regionalization. A first step, setting out four models of regional structures to be adapted to different situations, has been approved. This will improve our field-based capacity for situational management and solutions planning and locate support services closer to the point of delivery.

Third, we are defining the methodology for a Comprehensive Field Review. The Review aims to determine which activities can be most efficiently carried out by UNHCR or by its partners, review the balance of international staff assigned to deep field and capital offices and the ratio of international to national professional staff, using available national competency to greater effect.

Fourth, improved management of resources. A revised Resource Allocation and Management framework was introduced in July this year in order to delegate increased responsibility and authority to the country and regional levels, allowing us to respond to changing operational needs quickly and efficiently. The heavily bureaucratized Operations Review Board was also replaced by a smaller and more focused Budget Committee, chaired by the Deputy High Commissioner. Let me pause for a moment to officially welcome him. Craig Johnstone joined

us in June and has already demonstrated that he is an invaluable member of our team. I would like to say how very pleased I am to have him with us at UNHCR.

We are proposing a new budget structure comprising four separate pillars. I understand this is a complex issue, and the need to discuss it in depth. The first two pillars, encompassing refugee and stateless activities, will be funded on a programme basis. Our proposal is to have them managed separately from the second two, which cover internal displacement and reintegration activities, to be financed on a project basis. We believe that this can provide an adequate firewall, increased transparency and a better basis for results-based management.

Our intention is to present UNHCR's entire budget to the Executive Committee, including operations for the internally displaced which until now remained outside ExCom's governance. Through this, we hope to improve transparency, governance and oversight. It simply does not make sense that ExCom is not able to analyse IDP budgets. This will be a major and much-needed change in the way we work together.

The last initiative is in the area of human resources. Even if we are bound in large part by the UN's system-wide rules, we are determined to reform several elements of personnel management and launch a serious effort to review training strategies and career management, leadership preparation, performance and competency systems, and the assessment and feedback processes.

The method of our Change process – improving planning, reporting and accountability – is the basis for results-based management. Strengthening the organization's strategic planning remains a crucial area of work. Central to our success is our new RBM software, *Focus*, which we will be piloting in the coming three months in 10 countries. This is essential to RBM and, more importantly, to better describe the value of our protection and solutions work and its impact.

Ladies and Gentlemen,

As effective as we aim to become, UNHCR will always need partners to have any chance of success. We are a member of the UN system and enthusiastic participants in ongoing reform efforts. I am particularly pleased that my friend, John Holmes, the Emergency Relief Coordinator, has accepted to speak to us today.

We have worked on the humanitarian response review through the Inter-Agency Standing Committee and, with the Department of Peacekeeping Operations, on planning for integrated missions to ensure that the needs of displaced people are fully taken into account. I welcome the UN Security Council resolution last week establishing a multi-dimensional mission in Chad and Central African Republic. The mission represents a strong commitment to improving security for hundreds of thousands of refugees and displaced, as well as to stabilizing a region at risk. We were reminded again this weekend of the Darfurian drama, and I wish to pay tribute to the great sacrifices African Union troops are making there.

We are deeply committed to the UN's cluster approach to situations of internal displacement. The framework has allowed us to successfully extend protection and aid to millions of people in need. At the same time, we have taken all the necessary steps, both in protection and financial terms, to ensure that our engagement with internally displaced does not detract from our core responsibilities. The reverse is true, in fact, as we are finding more synergies all the time, such as community-based assistance in return areas.

One of the most promising efforts now being made by the UN is the "Delivering as One" initiative, following recommendations by the Secretary-General's High-Level Panel on System-wide Coherence. Of the pilot countries, Mozambique and Tanzania are two

particularly positive experiences and contribute significantly to the impact of our own actions. But in system-wide reform, as with structures and strategy we are bringing to UNHCR, there is a need for flexibility and adaptability. It is exactly because we want the reform to work that we have drawn attention to the need to preserve the integrity of mandates and the autonomy of the humanitarian space.

Ladies and Gentlemen,

Protection is at the center of everything UNHCR is and everything it does. The always-changing challenge of reaching people in need of it, wherever they are, remains our single greatest preoccupation.

Based on the Agenda for Protection, we have launched an internal debate on both strategies and standards through a Field Reference Group on Protection Policies. The Group includes UNHCR Representatives from all over the world and its first meeting three weeks ago tackled several critical issues. Among them were the dilemmas of responding to emergencies and winding down and out of operations, the strategic use of resettlement and the overriding challenge of delivering protection in the context of larger migration movements.

We do not want these debates to be exclusively internal. The way ahead must be open to broad reflection, innovative ideas and new tools – even disagreement. We will highlight the asylum-migration nexus at the December Dialogue and continue to bring critical topics facing the Office to that forum. I encourage States and NGOs to participate and hope you, too, will raise issues of concern.

Our goal must be to make the lives of those who are difficult to reach better. In all situations of displacement, women and children are among the most vulnerable. The Age and Gender Diversity Mainstreaming accountability framework is fully functional. Our “Women Leading for Livelihoods” project, launched this year, promotes the economic empowerment of refugee and internally displaced women by funding sustainable income-generating projects, and will be rolled out first to Roma women in Serbia and refugee women and children in Morocco. I look forward to the adoption of the conclusion on protection of children at risk, which will be a very useful guide in many of the circumstances in which we operate. ExCom conclusions remain an excellent source of ‘soft law’ guidance for States as well.

Another tool to address gaps is the Strengthening Protection Capacity Project. We are now elaborating this framework to increase the reach of protection in situations of internal displacement and statelessness, as well as for the implementation of our 10-Point Plan of Action. In the same way, at a meeting last month with the High Commissioner for Human Rights, Louise Arbour, we committed our organizations to new cooperation in several areas, in the field, on legal and policy issues, and on advocacy.

New asylum legislation gives us other means to fill emergent gaps. UNHCR supports the work to harmonize the European asylum system and has provided comments on the European Union’s ‘Green Paper’. Our aim of course is to ensure that a common system enhances, rather than diminishes, refugee rights and that we become more, rather than less, integrated in a new structure.

We are determined to go on building awareness. Greater consciousness and understanding of decades-old dilemmas helped contribute to remarkable breakthroughs this year in our fight against statelessness. In the last few months Nepal has carried out a massive regularization exercise, issuing citizenship certificates to 2.6 million inhabitants. And after nearly forty years in limbo, tens of thousands of Urdu speakers in Bangladesh, the so-called Biharis, will soon be confirmed as full citizens. I want to commend both governments for their actions, which

demonstrate that with political will we can identify solutions for even the most intractable problems.

Ladies and Gentlemen,

If our operational environment is dynamic, requiring new protection instruments and collaborative arrangements, other imperatives have not changed much at all. One is the need for long-term solutions for refugees. Of the traditional solutions – voluntary repatriation, local integration and third-country resettlement – return in safety and dignity, respecting the free will of refugees, remains the preferred one.

When one visits a refugee camp in a protracted situation as I did at Kilo 26 camp in eastern Sudan, or Goldhap in Nepal, or Kakuma in Kenya, or if one travels to Tindouf in Algeria, it is clear that we must go beyond a commitment to improve life in the camps. It is our duty to redouble our efforts and create conditions that will offer real hope for an end to both the refugee situations and the camps themselves. We must persist even if we know the solutions are most often not humanitarian, but political. Without political engagement, refugees will never see an end to their plight.

Last year 734,000 refugees repatriated voluntarily, half of them with direct assistance from UNHCR. The figure of returned internally displaced people was an estimated 1.9 million. So far in 2007, over half a million refugees have gone home with our help: 345,000 Afghans, 56,000 Southern Sudanese, 20,000 Burundians, 37,000 Congolese, and so on. This is indeed one of the most noble and rewarding missions we have.

The concern I expressed one year ago for the sustainability of returns is, however, every bit as true today. For us, the reintegration challenge means doing whatever we can to strengthen the tenuous links between relief and development, between a returnee's hope and the likelihood she will be able to start over, so that human security becomes a reality. But these links are not yet there. New initiatives like the Peacebuilding Commission and the Early Recovery cluster must deliver.

UNHCR will continue discussing with all interested parties – Member States, international financial organizations and development agencies – how the international community can and should be more effective in the support to the transition process in post-conflict situations.

Solutions should center on return, but return by itself is often not enough. Some refugees do not or cannot return home. This year we have made significant advances on local integration: with the governments of Mozambique, Namibia and Zambia for the remaining refugee populations in those countries; with the government of Tanzania, in addressing the situation of '1972 Burundians'; in Latin America, where we are implementing microcredit, vocational training and housing schemes in the framework of the Mexico Plan of Action; and in West Africa, where last month ECOWAS and the Office signed an agreement, based on a previous freedom of movement protocol among ECOWAS countries, for residual groups of Liberian and Sierra Leonean refugees.

One of our first priorities in reshaping the Division of International Protection Services was to strengthen refugee resettlement capacity. The need for third-country resettlement grows with refugee populations and, in particular, with protracted situations like the Bhutanese in Nepal, Eritreans in eastern Sudan and Myanmar refugees in Thailand.

I am pleased to say that after substantially increasing the number of resettlement submissions last year, we are on pace to surpass that number again in 2007. In 2006 UNHCR submitted over 54,000 individuals of 70 nationalities to 26 resettlement countries. Through June of this year, protection staff had already made over 42,000 submissions. Considering that just four

years ago the annual total was 35,000 individuals, this stands as a considerable achievement. It is also a commitment to burden sharing on the part of receiving countries. Our biggest resettlement operation right now is Iraq, where UNHCR quickly developed the capacity to identify and submit vulnerable cases. Resettlement countries have responded, but more efforts should be deployed to speed interviews and the departures of cases. Host countries too should actively facilitate the work of all actors to make the process a success. We have reinstated the solutions aspect of resettlement. It no longer targets only individual protection needs, but will be a strategic component of a global solutions perspective.

Ladies and Gentlemen,

As our actions and strategies evolve, so does our relationship with civil society. Running throughout UNHCR's reform and ongoing operations is a strong commitment to strengthening partnerships with the NGO and the Red Cross and Red Crescent movements. We want to make those partnerships an integral part of our actions.

In calling for humanitarian organizations to work more closely together, especially in the field, the July meeting of the Global Humanitarian Platform echoed our determination at UNHCR. We strongly support this new forum and look forward to future discussions on issues, such as access and security, humanitarian financing and capacity-building, that affect the entire humanitarian community.

Our approach to NGOs, the most invigorating and essential members of that community, should be clear. We see you as strategic partners, not implementing ones. UNHCR wants to think, plan and act together with you, needs you to be involved in our policy reviews, and asks for your help in improving our accountability to beneficiaries. For that purpose, we gladly accepted to be part of the Peer Review and have established a support group within UNHCR to make sure there is wide ownership and full realization of this important initiative.

In September, we had a first meeting with our 21 standby partners to exchange information and the possible harmonization of emergency deployments and interventions. I am also pleased that we have signed five new NGO-UNHCR strategic agreements this year. Beginning in January, the same unit at Headquarters will liaise with both UN agencies and NGOs. This gives a clear sign that we understand this relationship to be one of equals.

In this spirit, I want to pay tribute to the colleagues from JRS (Sri Lanka) and Intersos (Iraq) who recently lost their lives while helping others. These tragic events show once again how high a price NGOs pay to carry out their noble mission.

Ladies and Gentlemen,

Our efforts to control costs, coupled with favourable exchange rates, have put us on a more solid financial footing this year. The funding requirement for the remainder of the year stands at \$73 million for our Annual Programme. Several Supplementary Programmes, notably Iraq, South Sudan, Darfur, Somalia and the recently issued Mauritania repatriation appeal, are still in need of support. I am confident that we can close the gap, which would confirm the strong backing we have received from donors since the Pledging Conference last December. If we do, the Office will be able to deliver an unprecedented level of protection and assistance to the people we care for.

Ladies and Gentlemen,

I welcome you all to the fifty-eighth session of the Executive Committee, particularly new members Costa Rica and Estonia.

My congratulations to our Chairman, Ambassador Mtesa of Zambia. I am grateful for your dedication and personal involvement with us this year. My gratitude goes also to our newly elected Vice Chairman, Ambassador Van Eenennaam of the Netherlands, who has stepped into the role on short notice.

I would like to welcome our guest speaker, John Holmes, the Emergency Relief Coordinator. Thank you for accepting our invitation to address the Executive Committee today.

Protection, assistance and solutions for refugees, and reducing statelessness. Among shifting trends and interconnected root causes, we have our bearing. Headed into an increasingly mobile age, when people have more and more reasons to be on the move, what we do will be guided by our mandate. But the international community must be able to cope with all the new challenges. For that, political leadership is badly needed. And that can only come from Member States: only they have the legitimacy to shape the strategies and instruments to better serve people in need.

I thank you.

ANNEX VI

STATEMENT OF NGOS TO THE GENERAL DEBATE

58TH SESSION OF EXCOM : 1-5 OCTOBER 2007

Mr. Chairman, Ladies, and Gentlemen,

This statement has been drafted by a number of NGOs. It attempts to reflect the diversity of views within the NGO community.

Structural Change and Budgets

NGOs commend UNHCR on its ongoing structural and management change process, including the relocation of support functions closer to the point of delivery. To continue the strengthening of UNHCR's field impact, this process should move beyond the current plans for regionalisation and look at ways to improve protection and assistance at the field level. There has been a huge rise over recent years in the total number of persons of concern to UNHCR, including refugees, internally displaced persons (IDPs), and stateless persons, with UNHCR's budget failing to keep up with the increase in numbers. In this context, it is critical that the change process and donors help to ensure that UNHCR is able to meet the needs of persons of concern now and into the future.

The Humanitarian Consequences of the Conflict in Iraq

The conflict in Iraq continues to result in refugees and IDPs – 50-60,000 people attempt to cross the border each month – with the situation showing no sign of improvement. NGOs would, once again, like to commend Iraq's neighbours that have opened their borders and also recognise the support provided by other States and, of course, UNHCR. However, NGOs are alarmed at the imposition of restrictive visa regimes that prevent Iraqis from fleeing the country and seeking asylum. NGOs are also distressed at the paltry levels of humanitarian assistance for Iraqi refugees on two fronts; because lack of assistance prevents refugees, who generally are not allowed to work, from living in basic dignity; and also because failure to support countries of first asylum appears to be contributing to their reluctance to host Iraqi refugees and to the imposition of increasingly restrictive measures to keep them out. NGOs thus call upon States to ensure greater burden and responsibility sharing.

In addition, NGOs are increasingly alarmed by the growing number of countries that are forcibly returning Iraqi asylum-seekers to Iraq. UNHCR advises against return to southern and central Iraq and has repeatedly stated that it does not promote "voluntary return" of Iraqis. Still, many countries are actively seeking to return Iraqi asylum-seekers, some of whom are currently in detention, without any guarantees of security or assistance. NGOs call upon all States to suspend the return of Iraqis.

NGOs appreciate the increased efforts of UNHCR in its registering Iraqi refugees and in its search for immediate and durable solutions. It appears certain that very few Iraqi refugees will be accepted for resettlement or temporary protection under the present commitments of States. We, therefore, urge States with resettlement programmes to increase the number of places for Iraqis and to expedite decision-making processes in view of the urgency that exists. Moreover, we encourage States with Iraqi nationals to resettle those with family ties and close links, either through existing provisions for family reunification or through special provisions for this exceptional situation. NGOs note that while UNHCR provided the requested referrals from the United States, now over 11,000, the US has admitted fewer than 1,500 Iraqi refugees in 2007. Slow processing times and consequent backlogs compound already complex protection problems in the region. Other States with capacity and resources, in particular those with troops who have been and/or continue to be involved in the

conflict, such as the United Kingdom, Australia, Japan, Denmark, Italy, Spain, and South Korea, need to consider resettlement programmes for Iraqis.

NGOs applaud Jordan and Syria's decisions to allow Iraqi children to attend school. The most recent pledges to fund the joint UNHCR-UNICEF appeal to facilitate this effort are welcome steps forward. NGOs call upon the international community to provide financial, technical, and in-kind assistance to Syria, especially, as well as to UNHCR and to national and international NGOs, so that they can provide vital goods and services. Further, refugees should be allowed to work, practice professions, run businesses, own property, move about freely, choose their place of residence, and have access to international travel documents, rights guaranteed by the 1951 Refugee Convention. NGOs also call upon all States to recognise the *Convention Travel Document*. States, particularly those with troops deployed in and around Iraq, should substantially increase their assistance towards the strengthening of local capacity to provide necessary services to refugees and local populations alike and avoid segregated, parallel service delivery structures.

NGOs congratulate UNHCR and those States that have finally achieved durable solutions for the Palestinian refugees and Iranian Kurds sequestered in the al-Ruwaishid camp. However, we call on States to pursue their efforts to ensure that the remaining Palestinian refugees in al-Tanf, al-Walid, and al-Hul camps on the border with, and inside, Syria as well, as the Iranian Kurdish refugees stranded in the no-man's land between Iraq and Jordan, are provided with temporary protection, and access to durable solutions, including local integration, resettlement, and voluntary repatriation. In cooperation with UNHCR, all Palestinian refugees from Iraq should be registered with the UN Relief and Works Agency as a matter of high priority.

NGOs call on States to deliver, in a timely and effective manner, on all pledges that they made at the April 2007 *Conference on Iraqi Refugees and Internally Displaced Persons*. In addition, leadership from the highest ranks of the UNHCR is needed to direct and coordinate all UN agencies actively involved with Iraqi refugees in the Middle East. UN country teams must be mobilised and Resident Coordinators and the Humanitarian Coordinator in Iraq must make responding to the needs of Iraqi and Palestinian refugees a top priority.

Other Humanitarian Situations of Concern

While displacement within and outside of Iraq has captured much of our attention of late, it is also imperative that the international community does not forget other compelling situations where millions fleeing persecution remain in need.

NGOs report that since 21 April this year, 188,962 Afghans have been deported back to Afghanistan from Iran without any consideration of their status as refugees. NGOs are also concerned at plans for the repatriation of Afghan refugees from Pakistan. At present, there is some protection through the registration process, but considerable uncertainty as to how long this will last.

In the past few weeks, renewed fighting in quite a limited area of the eastern province of North Kivu in the Democratic Republic of the Congo has caused some 10,000 people to flee to neighbouring Uganda, bringing the total to more than 180,000 who have fled since December last year.

NGOs report major issues concerning the protection of IDPs in Darfur, Sudan. The government is putting a great deal of pressure on camps to disband prior to the arrival of the "hybrid mission". A first step was a series of arrests in Kalma Camp on the pretext of controlling criminality. There is also concern at the number of "Arab immigrants" being settled in villages and fields abandoned by those who fled to the camps. A number of groups, who are not party to the *Darfur Peace Agreement*, are stating that the expulsion of these, so called, immigrants is a pre-requisite to IDP return.

NGOs are concerned at the delay in reaching a decision on the status of Chadians entering West Darfur in the area of Foro Baranga. UNHCR and the Sudanese Commission of Refugees (COR) have

both recommended granting status to the whole group rather than to individuals, with the exception of active or former combatants.

The situation of Somali refugees in the Ogaden region of Ethiopia has reached a crisis point, with NGOs having been denied access to this caseload since July and thus being unable to supply much-needed medical assistance. NGOs further state that the response of the UN lacks clarity of purpose and is, in any event, slow. Meanwhile, there are considerable protection needs.

NGOs are still concerned that Somalis, mainly women and children, who are fleeing fighting in their country have been unable to seek refuge across the border since it was closed by the Kenyan authorities earlier this year with the deployment of tanks and helicopters. A substantial number of Somalis who have managed to cross have been *refouled* by the Kenyan authorities. NGOs call upon the Kenyan government to comply with its obligations under international law to provide asylum to those fleeing persecution.

At the same time, NGOs call upon the international community to support IDPs in Somalia with both protection and assistance, in particular, those in and around Mogadishu and Afgooye who are being forcibly displaced by the Transitional Federal Government from sites where they have been resident for many years.

In addition, we note with concern reports received from refugees in UNHCR operated camps in parts of Africa and, in particular, the Buduburam refugee camp in Ghana, indicating an inability by UNHCR to provide basic health and sanitation facilities and clean drinking water free of charge to refugees. The failure to provide such free services not only impacts on the capacity of UNHCR to ensure effective protection in its refugee camps, but also contributes to refugees being forced to leave the camps for even less safe environs, either within host countries or countries of origin. Protection and assistance should follow refugees, consistent with their rights, under Article 26 of the Refugee Convention, of freedom of movement and choice of residence.

We wish to draw attention to the situation of the Sahrawi refugees who have been living in Algeria since 1975. The Sahrawi refugees represent one of the world's most protracted refugee crises. We note, with concern, the recent and gradual reduction of humanitarian aid to these refugees and urge States to increase such assistance in a way that is predictable, sustained, and timely.

The NGO community also notes that funding for IDP operations in Timor-Leste, requested under the Consolidated Appeals Process (CAP), has not been forthcoming and, thus, UNHCR ceased its operations in Timor-Leste in July 2007. There continue to be 100,000 IDPs in the country with persisting protection needs. For these people, the government's return and reintegration strategy has so far proven unsuccessful. Return for these IDPs is difficult and will largely depend on progress in reconstruction and reconciliation, as well as significant improvements in the political, economic, and security environment, including the strengthening of State institutions. In this climate, the departure of UNHCR gives rise to a concern that the protection needs of the remaining IDPs in Timor-Leste will not be properly addressed.

In Dili, the main concerns of the humanitarian community relate to the health, water, and sanitation challenges created by the sustained presence of a displaced population of 30,000 in makeshift camps. There have also been serious protection concerns for the displaced population and, in particular, for children who are exposed to a variety of protection risks, including physical and sexual abuse, due to the volatile situation. On 17 August 2007, a large number of international and national NGOs publicly raised concerns about the alarming trend of increasing violence against children in the country.

NGOs, particularly national NGOs, are at the forefront in all these situations and are often, because of the security climate, forced to operate alone. It is vital that they receive adequate financial support and in a timely manner.

The Asylum-Migration Nexus

NGOs welcome the High Commissioner's intention to hold a *Dialogue on Protection Challenges* in December 2007, focusing on the asylum-migration nexus. As NGOs, we trust that we will be full partners in this very necessary dialogue and look forward to a constructive exchange of ideas in which the serious challenges to protection posed by the nexus, including State interception measures, can be more fully discussed and practical solutions sought. We hope that the format will follow that of the *Global Consultations on International Protection*, with its free and open exchange of views.

NGOs broadly welcomed *Refugee Protection and Mixed Migration: A 10-Point Plan of Action* issued in June 2006. Nevertheless, there is grave concern as to the plight of the vast majority of people in mixed flows who either cannot benefit from international protection or who cannot access the asylum process. Much work is needed to ensure that the large numbers of migrants and asylum-seekers who are dying every day off the Canary Islands, in the Mediterranean, and in other places around the world are given the protection they need, as well as access to the asylum process.

Interception and Interdiction

NGOs are gravely concerned that restrictive State practices and policies including interception on land, at airports, and at sea; exclusionary visa regimes; and accelerated return procedures, continue to prevent asylum-seekers from gaining access to asylum procedures and are eroding the institution of asylum. Moreover, they undermine international solidarity in refugee protection by shifting responsibility to other States. We are particularly concerned by cases of interception that have resulted in the violation of human rights, the denial of access to asylum, and the return of asylum-seekers to their countries of origin, without due consideration of their asylum claims. Some European States and Australia have rescued (or intercepted) migrants and asylum-seekers and then detained them outside their territory, without clearly acknowledging their jurisdiction and thus their full responsibilities for Refugee Status Determination (RSD). Passengers from a ship called the *Marine 1*, for example, were detained for some weeks by Spanish authorities in a centre in Mauritania.

States that engage in interception have the responsibility and obligation to ensure that their actions, whether directly or indirectly - and particularly when interception occurs in the territory of a State that is not party to the Refugee Convention or that lacks fair and effective asylum procedures - do not result in the return of refugees to a situation where they could face serious danger or persecution. We note that the 2003 *Conclusion on Protection Safeguards in Interception Measures* is somewhat ambiguous on the allocation of State responsibility in the interception context. However, we would remind the Executive Committee that State responsibility is clear: it applies to any State action, regardless of where that action takes place. Extraterritorial interception must, therefore, be consistent with the State's obligations under international human rights and refugee law. The intercepting State must accept responsibility for the protection of the person intercepted.

There is an immediate need to avoid deaths at sea and to ensure that asylum-seekers who are intercepted daily around the world have access to protection. States, who have not done so, should ratify relevant amendments to the 1979 *Search and Rescue Convention* and the 1974 *Convention for the Safety of Life at Sea*. In addition, a legal vacuum needs to be filled, for example, with guidelines on the State responsible for receiving rescued passengers. States must ensure that ships' masters are aware that determining the nearest safe port in which to disembark passengers must include considerations of safety from persecution or the risk of *refoulement*.

We urge UNHCR not to delay any further the issuance of *Guidelines on Safeguards for Interception Measures*, as it was tasked to do five years ago as part of the *Agenda for Protection* (Goal 2, Objective 1). We further call on UNHCR, with the support of NGOs, to expand its monitoring of State interception activities on land, at airports, and at sea to ensure that asylum-seekers gain access to a meaningful RSD process and on States to co-operate fully with UNHCR in these monitoring activities.

The Asylum Process

The erosion of the asylum process is nowhere better exemplified than the situation in Thailand, which grows increasingly alarming. NGOs report increasingly restricted access to asylum claims and refugee status. In May 2007, the Thai government requested UNHCR to stop conducting refugee status determination, resulting in a three week cessation by UNHCR. In addition, UNHCR has been denied access to the Airport Detention Centre and the Immigration Detention Centre (IDC) in Bangkok to process asylum claims or conduct resettlement interviews. Further, no exit permits to recognised refugees can be issued.

Since the start of July, arrests of asylum-seekers and refugees have increased, notwithstanding the fact that they have UNHCR certificates. Among many examples is that of 10 July, when 10 Sri Lankans were arrested and transferred to the IDC. Nine were asylum-seekers and one was a recognised refugee. One woman fell to her death while trying to escape from a window at the IDC.

NGOs request that Thailand permit UNHCR to carry out its full mandate to protect and assist refugees and asylum-seekers from Burma as defined by the Refugee Convention and, by the same token, UNHCR, its Executive Committee members, and donors are requested to be more robust in their dealings with the Thai government. Thailand should allow unimpeded access by UNHCR and humanitarian NGOs to all refugees and asylum-seekers.

Internally Displaced Persons

The global crisis of internal displacement continues to remain an enormous challenge. In the framework of the cluster approach, UNHCR plays a key role in leading international efforts to assist States in tackling this challenge. In this regard, NGOs welcome UNHCR's new *IDP Policy Framework and Implementation Strategy* and urge governments to support UNHCR in its efforts to ensure a more predictable and comprehensive response to situations of internal displacement.

The contribution of NGOs is vital for an effective IDP response, and the full involvement of NGOs in coordination mechanisms at the global and national level should be given priority. We are concerned that although donors have voiced strong support for NGO participation in the clusters, funding decisions to date have been fairly UN-centric. For example, only 11 per cent of NGO activities under the global protection cluster appeal have received funding, while UN activities under the same cluster are covered by more than 50 per cent.

NGOs welcome the real time evaluations conducted by UNHCR to assess its function in the roll-out of the cluster approach and call for the implementation of the recommendations that emerged from those evaluations.

At the same time, it is important not to lose sight of the millions of IDPs in need of assistance and protection in countries where the cluster approach is not implemented. We urge UNHCR to engage other relevant partners, both UN and non-UN, to agree on a common set of standards and approaches, including situations with existing (non-cluster) coordination mechanisms, to be applied to all IDP responses.

Thank you, Mr. Chairman.

ANNEX VII

**STATEMENT BY MS ERIKA FELLER
ASSISTANT HIGH COMMISSIONER – PROTECTION**

58TH SESSION OF EXCOM : 1-5 OCTOBER 2007

Mr. Chairman,

I am asked to introduce to you the 2007 Note on International Protection (Document AC.96/1038). The Note is the High Commissioner's annual report on the state of international protection for persons of concern to UNHCR. It serves to explain how we deliver protection, through what kinds of activities and to what ends. It also documents the emerging trends, some of which are heartening and others quite worrying. The Note is structured around the goals set out in the Agenda for Protection, endorsed by this Committee some 5 years ago. As the Note makes clear, together we still have some way to go to realise these goals.

Protection, and UNHCR's mandate for it, is ever more relevant in the very complex world of displacement. The High Commissioner's Statement and the General Debate, dominated as they were by protection issues, have made this very clear. Refugee dramas play out with sad regularity on all continents, the human consequence of war, violence, persecution, fear and a combination of man-made and natural disasters. True, as the Note on International Protection reports, there have been some promising trends over the preceding year which have been discussed in the General Debate. They include, in the area of solutions, 2006 saw over 700,000 refugee returns, and to date for 2007 the number is around 500,000. Local integration is practiced, not only talked about, with some very positive examples being set in Southern and West Africa and Latin America. Resettlement referrals for this year are already over 43,000. There has also been more serious attention to and investment in making protection better. Many States have facilitated and supported UNHCR's efforts to strengthen protection and bridge the gaps closer to where protection is first sought, with our Strengthening Protection Capacity Project clearly seen as value-added.

This being said, asylum is still a lottery in a number of regions. The world of borders is particularly shadowy, with interception, turn-arounds and *refoulement* taking place outside the frame of any proper scrutiny. Security is driving the operation of asylum systems in an increasing number of countries, contributing to the growth of a culture of thinking where rights are becoming peripheral. Arbitrary detention, including of children, is an outgrowth, and the privatization of detention is particularly worrying. While resettlement trends are broadly positive, UNHCR is concerned about the growth of a class of persons becoming the "untouchables" for resettlement countries, and the strategic use of resettlement has included also some incidents of strategic misuse. I want to explore some of these developments in the comments that follow.

The Note is structured around the goals of the Agenda for Protection. The first of these, which the Note reports on, is strengthened implementation of the basic refugee instruments. This was enhanced in a number of countries through the introduction of new legislation and asylum support structures. It is, however, still a fact that finding asylum can become a matter of chance in some regions, due to inconsistency by States in applying Convention standards. The widely divergent refugee recognition rate among States is a telling indicator, with research showing, for example, that persons from Iraq, from Sri Lanka or from Somalia have very different prospects of finding protection depending on where their claim is lodged.

Security concerns and arbitrary detention, not subject to *habeas corpus* or judicial review, are leaving asylum seekers in legal limbo in quite a number of countries, including several I had the occasion to visit this year. Detention of refugees and asylum seekers is often in conditions which put their health and well being at serious risk. Sitting in overcrowded, badly ventilated cells, talking with Iraqis whose sentences for illegal entry or overstay had long expired and whose chances nevertheless for release were as good as nil, unless it was for the purposes of returning to Iraq, brought this starkly home to me, during a recent mission. Particularly worrying, Mr. Chairman, are the effects of privatisation of detention. This has turned detention in some countries into an industry. By creating an economic lobby in favour of detention, this has undermined serious efforts to create alternatives to detention and has contributed even further to blurring the distinction between the refugee and non-refugee detainees.

As the Note illustrates, flowing from Article 35 of the 1951 Convention, UNHCR has long been accompanying and supporting the development of asylum systems in a myriad of ways. Our offices provide states with advice on new legislation. We visit reception and detention facilities, monitor access to asylum procedures at land, sea and air borders and promote compliance with international and regional norms. Together with partners, including NGOs, we counsel individual asylum seekers and participate in training of border guards, status determination authorities and others, not only in international refugee law, but also in such vital areas as cross-cultural communication, gender-sensitivity and the determination of the best interests of the child. In many States these efforts are well received as a proper exercise of our protection mandate and we enjoy a very productive collaboration with the authorities. We are, though, concerned that, with populism on the rise in some States, this is not always the case. Racist anti-foreigner campaigns, which are deplorable in themselves, are also singularly counter-productive. They help to breed intolerant societies across the board and inflame public antipathies, which is a law and order issue in its own right.

Capacity building for asylum is no easy task. It is particularly challenging in countries faced with large, mixed flows of asylum seekers and migrants. Here it is our responsibility to bring added value. UNHCR carries moral authority. It has, though, to do more than this. It needs to bring real assistance to the table. This is recognised by the Office. I have made it a particular task to foster and advocate for the Strengthening Protection Capacity Project, which falls under my supervision. The project is a new way of thinking about capacity building for protection. It is being well received, having won the confidence of host and donor States alike. Its strength lies in its clear articulation of gaps and a focus on remedying them. Proceeding from consensus among refugees, host States and UNHCR, the project develops concrete interventions to improve the protection environment in ways that strengthen both the State and communities' capacities. The result is that it has, to date, generated over 10 million dollars in additional funding for the protection of refugees. We hope that it will be able to replicate this achievement for initiatives benefiting IDPs and initiatives benefiting Stateless persons, in relation to whom the methodology is being extended.

Protection of refugees in the context of mixed migration movements, the second goal of the Agenda for Protection, has had to confront the continuing life and death dramas of sea arrivals and their criminal exploitation by people smugglers or criminal rackets. On 21 September the following information was sent to headquarters by our office in Saana:

“Two smuggling vessels arrived to the Yemeni shores at 06.30 am. The boats had approximately 125 passengers each. The disembarkation was in deep waters. 26 persons died during the trip or at the time of disembarkation. The new arrivals reported that smugglers threw 8 persons off-board during the trip and 5 died in the hold of the boats due to dehydration. The security authorities said that 13 dead bodies were washed ashore and they buried them. A number of new arrivals who arrived to the reception centre were badly beaten by the smugglers during the voyage; 10 were severely injured. They reported that the

smugglers on the 2 boats confiscated the water and food. Female refugees reported that a 21 year old Somali girl was raped by the smugglers. The fare for this trip ranged between 60 to 80 US dollars”

This story has been repeating itself, more or less, almost on a daily basis these last months, with Yemen continuing to generously keep its borders open to the victims. We have yet to find an accommodation with States on the issue of sea borders. States still refuse disembarkation. Ships may refuse to rescue. There is a worrying absence of systems which properly balance migration management with refugee protection. While a State's protection responsibility is relatively clear in the case of people intercepted or rescued in its territorial waters, there is still a difference of opinion over the application of protection obligations outside territorial waters. In UNHCR's understanding, the responsibility of States, including respect for the principle of *non-refoulement*, is engaged wherever they assert jurisdiction. There is, though, a need to see how this translates into good operational practice. UNHCR appreciates, in this regard, the developing relationship we enjoy with FRONTEX, the European external border management agency. The presence of FRONTEX at this session of the Executive Committee is a welcome development. We have also recently reinvigorated our partnership with concerned intergovernmental organizations, including the International Maritime Organization, to look at cooperation on sea rescues. We will want to bring to States some additional suggestions here.

Building protection space within a context of broader migration management is a high priority for UNHCR and a focus of the activities of my office. How to constructively engage with migration issues, as a protection and not a migration agency, is the challenge. An effort in this regard, with which I remain directly involved, is UNHCR's 10 Point Plan. We are pleased with the support it is now attracting even while some delegations are interested in discussing further aspects of it. Its utility lies, perhaps, in the approach it takes to unpacking migration problems. Its philosophy is that the best response is one which is geared not to the phenomenon of migration as such, but to the people themselves who are moving, different and various as they are. It envisages a blend between the more traditional tools, in particular refugee status determination, and the less traditional, such as specialised visa or labour migration arrangements. In some regions, notably North Africa and Europe, the Plan has moved significantly from the strategy to the implementation phase. To give but one example, as an initiative to promote protection-sensitive entry systems, UNHCR has been concluding border arrangements with Central European authorities, most recently with the Slovak Aliens and Border Police, to enable joint monitoring activities along land borders and at airports.

The 10 Point Plan touches, but has yet to develop the thinking, on secondary movements. These movements – both north/south, but also south/south – can become a major protection problem, with high potential to de-stabilise and compromise protection advocacy. Hence we have an interest in lessening the problem and its contingent difficulties. Work is soon to begin on a “tool box”, tied integrally into the frame of the 10 point plan. We will also be reviewing and re-issuing our policy on UNHCR's role in relation to return of persons found not to be in need of international protection. What we can and cannot do deserves greater clarity, particularly when it comes to ensuring the necessary distinctions are made between return to countries, as opposed to regions, of origin, or return of persons rejected through fair procedures, as opposed to procedures which do not apply the proper criteria.

Turning now to the third goal of the Agenda, more equitable responsibility sharing, this continues to be elusive. This is starkly illustrated, for example, by the staggering arrival rates of Iraqis into neighbouring countries, the circumspect recognition of the burden this poses for countries like Syria, and the far too hesitant international approach to helping them shoulder it. Without sustained support for host States, protection there may well become academic. The agreement of Brazil and Chile to receive Palestinian refugees from camps on the Iraqi

border was, though, a very welcome contribution to ending the untenable situation of these doubly victimised people.

Mr. Chairman, while fewer than one per cent of the world's refugees may be resettled in any given year, resettlement is an important protection tool, a durable solution and a concrete manifestation of responsibility sharing. The upgrading of the resettlement section in DIPS to a resettlement service has improved UNHCR's ability to manage this important solution. A telling indicator is that in 2006 the number of resettlement submissions increased globally by over 17%. For this year our aim is to continue this upward trend. With your support we should be able to meet the target of 60,000 submissions by end 2008. During 2007, four new countries indicated their readiness to become resettlement countries. Discussions with others are currently underway.

While these are all positive signs, the solution is, however, not without its dilemmas. Women-at-risk frequently remain in peril until departure and our ability to reduce risk by providing emergency shelter, or other protection interventions, is limited by our overall resource constraints. Processing delays on the part of resettlement countries is also a problem, particularly in this era of heightened security concerns. How to manage the by-products of resettlement in camp environments, including the depletion through resettlement of the service providers [the teachers, the health workers, the camp committee members for example] on whom the viability of camp life may integrally depend, remains a challenge deserving of new initiatives. Managing risk to ensure the integrity of resettlement remains a priority for UNHCR, in particular to reduce the possibilities for fraud or malfeasance, which are quite high, resettlement being a very valuable commodity. There is the pull factor concern, which is not a reason for limiting resettlement, but in some operations certainly calls for strategies to limit it. And how to create protection space for refugees who will not be resettled is a priority over the coming period for UNHCR. This will mean heightened attention to protracted refugee situations where resettlement can be used strategically as one means to unblock access to protection and to other durable solutions. As I mentioned earlier, strategic use, let me say, yes, but not strategic misuse! Resettlement should not become a substitute for asylum within a State for spontaneous arrivals; nor should it become the *quid pro quo* for a functioning re-admission arrangement.

At this point, allow me to draw the attention of this Committee to an issue which is really starting to be a problem. Increasingly, some groups of refugees are simply becoming unwanted by resettlement countries. Neither their refugee status nor their protection needs are in question, but their desirability is. Among these "unwanted" persons are the politically sensitive ethnic groups, elderly persons for fear they will become a public charge, large families considered too costly a proposition, single men as a possible threat to public order, or refugees with low educational levels, who may take longer to integrate. These, in effect, supplementary resettlement criteria are working to exclude not inconsiderable numbers from a solution which would otherwise best meet their protection needs. We would really like to discuss this issue in greater detail with our resettlement partners.

Resettlement is one of three solutions. The Agenda sets as another goal making all solutions more accessible. The Note reports significant progress with returns, in particular to Afghanistan and on the African Continent, etc. However, bringing to an end protracted situations, which currently number - in a conservative estimate - some 30, is not only a collective responsibility but one of our greatest challenges. I have been tasked by the HC to consult widely within the office, including with Bureau Directors and the field, to identify those protracted situations where the prospects for making a difference and bringing them to some closure are good enough. We will then work on more comprehensive solutions strategies over the coming period.

Promoting self sufficiency has clearly to be part of such strategies. It contributes to ending protracted refugee situations. Dependent on subsistence-level humanitarian assistance which they cannot supplement through their own efforts, displaced persons often lead lives of poverty, frustration and unrealised potential. This is one of the most often cited causes for SGBV in protracted situations. Moreover, where the displaced in urban environments are confined to the informal sector, systematically facing exploitive working conditions, in the long run this erodes the environment for all workers, foreigners or nationals. UNHCR operations throughout the world are replete with positive examples of displaced people pursuing livelihoods in ways that contribute to local economies and foster peaceful co-existence with host communities. I have had good discussions over this session with Tanzania and Zambia, to take two examples. We also have donors and others keen to support us in replicating these good examples. There is still the challenge in convincing governments to see that self-reliance is not only in the best interests of the displaced, but also makes sound economic sense and helps to underpin the security of the host areas.

Mr. Chairman, addressing security concerns more effectively is another goal of the Agenda. Tenuous security in many areas of displacement, from the Central African Republic to Chad to Colombia, Sri Lanka or to the Democratic Republic of the Congo, continue to destabilise UNHCR's protection efforts, as the Note on International Protection brings out. The adoption on 25 September of a UN Security Council resolution establishing a multi-dimensional UN mission in Chad and Central African Republic should help to stabilise the difficult and serious humanitarian situation in Eastern Chad, in particular. Security in Darfur still presents a stark picture as international aid agencies continue to struggle to come up with effective measures to prevent incidents of sexual violence that occur at an alarming rate. The police are under-equipped to respond adequately to security incidents. Most police locations lack vehicles and communication equipment. Impunity reigns. Very few incidents affecting the physical security of IDPs are ever adjudicated. Social services to support the most vulnerable in society are virtually non-existent. The high rate of attacks against humanitarian aid workers during field missions, including UNHCR and its implementing partners, has seriously restricted the ability to conduct monitoring visits to rural communities.

The security of refugees and of humanitarian workers is a real concern in our operations on behalf of internally displaced persons. It is one of the main hurdles for the protection cluster to overcome. Just a few comments on the protection cluster. As to where the cluster approach is making a positive difference more generally, there is consensus that it has laid the basis for better inter-agency collaboration, under a more accountable leadership, in the nine areas of response. This is the cluster arrangement in its totality. There is no contesting this achievement, or that UNHCR should engage with commitment and predictability, squarely within a framework of enhanced partner cooperation. So expectations for the potential of this common effort remain justifiably high. There have, however, been calls for a serious, field-driven reality check in the protection area. In particular, the flexibility of the formula to adjust to the often very different operating environments needs review. The balance between catalyzing the doing of protection and directly delivering it, in a framework resting on notions of agency of last resort, is yet to be well-struck. UNHCR is working to improve the ways it interacts with civil societies, to help build and maintain a self-regulating national system for internal displacement. Improving the leverage of IDP organisations in this system and creating channels for their voices to be heard is an objective we need actively to pursue. Further thought needs to be given to the scope of protection in situations where lack of respect for basic rights is all pervasive, not confined to displacement. There are also still questions about how to marry better the humanitarian, political and development agendas, particularly in a seriously degraded environment where protection may be the immediate need, but not perhaps the priority for the host government or even international partners. It was in a spirit of self-critical transparency that UNHCR has undertaken five real-time evaluations of IDP operations where the cluster approach is in place, and they will be the basis for fine-tuning our own performance.

The final goal of the Agenda is to improve protection for refugee women and children. The Note is sober reading when it comes to repeated instances of the crime of rape, survival sex, weekend marriages, recruitment of children or persecution on account of gender. Child protection, combating sexual and gender-based violence and the protection of groups with specific needs, remain priority objectives in all of UNHCR operations. Tools proving their utility are the Age, Gender and Diversity Mainstreaming Strategy and the related accountability framework, which is under my overall supervision. We have also developed standard operating procedures for prevention and response to SGBV, as well as Guidelines for best interests of the Child determinations, and more recently have been undertaking a review of the situation of older persons and those with disabilities. Nonetheless, we must continue to ask ourselves what concrete changes we are achieving on the ground for those to whom we are accountable. Have they felt the impact of these initiatives? This year's independent evaluation of UNHCR's work in the area of SGBV and the anticipated evaluation of AGDM in 2008 will be the basis for assessment of if and where improvements are still needed. Prevention, in our view, is one area where improvement is called for. As recent missions have brought home, addressing the factors which render women and children at risk of violence is certainly needed, before that violence turns into an eventuality. This is particularly the case in environments where victims of sexual exploitation and abuse are shunned, or even criminalised, rather than assisted. We will be looking at how to bring prevention more integrally into our response strategies and our discussions with you in the months to come.

I also want to mention here the Women Leading for Livelihoods project, the Steering Committee of which I chair. Conceived as a way to encourage women to help women, the project has the potential to open up new relationships between women successful in the business world and displaced women in search of livelihood skills and opportunities to enable them to support themselves and their families in displacement and on return. I would encourage delegations with an interest in this area to discuss with our Gender Advisor how this project might be supported.

To this point, Mr. Chairman, I have presented an overview of protection successes and dilemmas related to the Note and the Agenda for Protection. There are several additional issues I believe are of interest under the protection item, to which I now turn.

The High Commissioner spoke of the meeting of UNHCR's Field Protection Reference Group, which took place in early September. We are particularly grateful to the Government of Canada whose financial contribution helped to make the first meeting possible. The initiative has been an effort on my part to institutionalise the role and input of Field-based colleagues in the elaboration of protection policies and the supporting tools. The agenda of the Reference Group covered protection strategies in the context of mixed migration, protection benchmarks for winding down operations, and the meaning of strategic use of resettlement. The Reference Group also touched on UNHCR's expanding protection role for internally displaced persons. As many of you will be aware, certain of these issues will be on the agenda of the first session of the High Commissioner's Dialogue on Protection, scheduled for 12 December. We will present a background discussion note which will take closely into account the views expressed during the Reference Group meeting.

One highlight of the meeting was the opportunity provided on the third day for EXCOM members to have an informal and unstructured exchange with the Representatives. It seems this experiment was much appreciated by all and my feeling is that such an encounter should be repeated. Its utility will only be enhanced, though, by greater participation from a wider group of EXCOM members, which we will do our best to encourage.

A timely issue brought up during this encounter between EXCOM members and our Field-based colleagues was the utility of EXCOM conclusions. The process of drafting conclusions has become somewhat compromised in the minds of some participating States. Non-governmental organizations, who are our key partners, legitimately are seeking to have a more substantive input into the process. UNHCR fully supports this. There is a sentiment on the part of some that process has taken over content and that narrow national interests are allowed to neutralise the language to the point where the conclusions lose any practical utility. This is not correct. As the Field Reference Group affirmed, the conclusions, including the most recent ones, are put to regular use, by UNHCR and by partners, for advocacy, in negotiations, as a capacity building tool, or even to nudge judicial standard setting in a certain direction. They also have a particular resonance for our work in non-Convention States. One issue that Field colleagues did ask to be highlighted is that governments themselves could do more to make the conclusions a living tool. The drafters are not always the implementers of these conclusions and our colleagues have noted that in some instances there seems to be a real communications breakdown, with one sector of government not being aware of what has been agreed elsewhere by another sector. For UNHCR, this is certainly a handicap to full implementation.

There were several additional issues which field colleagues raised as obstacles they confront to realizing protection. It is interesting, I think, to put them up for a little bit of reflection. One is what some representatives described as an increasingly uneasy relationship between UNHCR and governments over when and how we should be implementing our protection responsibilities within their sovereign territories. The nature of the relationship between the host government and UNHCR is very important. It can either much facilitate our activities, or it can considerably curtail what we can do. Tension will enter this relationship where there is fear, an unwarranted fear we believe, that the grant of asylum will create discord between neighbours, or where our protection interventions are deemed not to be consistent in some ways with the prerogatives of State sovereignty.

UNHCR is finding itself increasingly having to defend the mandate that States themselves have conferred on the office. We have a responsibility to build trust, including by defining our activities in good collaboration with host governments. That is very clear. An essential element of confidence-building has to be to reach a common understanding that protecting refugees must not be approached as if it were an unfriendly act towards neighbours. The asylum edifice is built on the proposition, as the 1951 Convention asserts, that the problem of refugees is a "social and humanitarian" one and that States have a responsibility to reduce tensions resulting from the granting of asylum. Otherwise, as we see in some parts of the world, protection is abandoned for deterrence, and what UNHCR is actually permitted to do is very very little. There is clearly a need to be sensitive to local conditions and concerns, but this is not the same thing as saying that the mandate itself should not be delivered by UNHCR. This is a problem for us and it deserves more discussion including in this Committee.

There needs also to be more reflection on what is, in some ways, the reverse side of the coin – that is, the lack of government engagement with refugee protection in some regions. UNHCR must too often step in to fill the void. One indicator is refugee status determination under the UNHCR mandate, which has continued to increase, despite the [until recently] decline in asylum seeker numbers. Between 2003 and 2006 the number of refugee applications world-wide decreased by 38% but during the same period, the number of applications submitted to UNHCR's adjudication increased by 48%. Mandate status determination can mean the difference between protection and *refoulement*. It is also an intervention commonly put into question in the context of State sovereignty. One UNHCR office was recently accused of being in the business of "turning tourists into refugees." In fact, we would prefer that States themselves put in place functioning national asylum procedures. We should not, and indeed satisfactorily cannot, replace such State structures. Nor can we serve as the guarantor that

effective protection is available in any one country. However, in the absence of an effective national asylum system, it is not a choice for UNHCR not to exercise our mandate. We are obliged by our mandate to step in. State responsibility for refugee protection and how to engage it might, I believe, be a rather interesting topic for the High Commissioner's Protection Dialogue at some point.

For our part, we recognise the need to keep our focus squarely on outcomes. A "culture of results" applies to protection as much as it does to any other aspect of UNHCR's activities. In this context, UNHCR's new RBM Software, Focus, could well prove a powerful tool for improving the quality of our protection work. Focus was initially developed as a tool to support results-based management, but is increasingly appreciated as a protection management tool as well. For those unsure about what the term "protection" covers, Focus effectively demystifies it by breaking it down into the activities it covers. We have high hopes for its utility in the protection context. It should, for example, help our offices and partners set clear protection objectives, budget for protection more effectively and report more meaningfully on protection results.

In conclusion, the office of Assistant High Commissioner – Protection was created some two years ago to advocate for results-based protection, both inside UNHCR and without. I have reported consistently to the Standing Committee meetings and at EXCOM on the thrust of these efforts, as you have requested me to do. The most recent update was presented to the June Standing Committee and is for those interested available at the back of the room. My experience has been that the terms of reference of the position I hold have meant the position is definitely value-added for UNHCR. In particular its existence can make a material contribution to the reinforcement of a protection culture both inside and outside the organization. My work has centered on the promotion of clear objectives, accountabilities and protection strategies, working not only vertically from within the High Commissioner's Troika, but horizontally across the Bureaux, the support divisions and the Headquarters and Field divide. In addition, I have sought to drive policy development on certain key protection concerns, including the asylum/migration nexus. Another important area has been that of Statelessness. People are born Stateless, or become so by design or by mistake, in all regions, in developing and also developed countries. In some countries hundreds of thousands of people have been marginalized for decades. In others, there are the helpless, hapless individuals trapped in the machinations of sophisticated legal systems. A challenge looming is how climate change might alter the dynamics, as we approach a future involving the possible extinction of low lying areas and nowhere to go for their peoples. Mr. Chairman, the new dynamics of displacement, this issue amongst them, will likely come to shape our interaction with your governments in the years to come. It is timely that we soon start to reflect together on the form that this interaction might take.

ANNEX VIII

STATEMENT OF NGOS ON INTERNATIONAL PROTECTION

58TH SESSION OF EXCOM : 1-5 OCTOBER 2007

Mr. Chairman, Ladies, and Gentleman,

This statement has been drafted by a number of NGOs. It attempts to reflect the diversity of views within the NGO community.

NGOs remain concerned about the ongoing erosion of the refugee protection regime and remind States of their international obligations under refugee, human rights, and humanitarian law. Particular international protection concerns we address in this statement include: *refoulement*, detention, refugees' economic rights, durable solutions, statelessness and, finally, UNHCR Executive Committee (ExCom) Conclusions.

Refoulement

As has been noted in several NGO statements to this forum in the recent past, the fundamental principle of *non-refoulement* has come under increasing threat. States have sought to circumvent their obligations in this regard through a variety of means, including rejection at the frontier, visa requirements, carrier sanctions, interdiction, and arrangements with third countries; the end result being that refugees and others are placed at risk of return to situations where they face persecution or torture and other serious human rights violations.

NGOs are concerned, in particular, at the reliance by some States on diplomatic assurances in order to effect the removal from their territory of refugees, asylum-seekers, and others at risk of torture and ill treatment. We note that States that violate international law and have a record of torture or ill-treatment of individuals under their jurisdiction also systematically deny the fact and take steps to hide it. In another disturbing development, some States are using national security arguments to justify legal challenges to the absolute prohibition of torture under international law.

We have been alarmed in recent months by bilateral discussions between the Governments of Laos and Thailand in relation to groups of Lao Hmong refugees and asylum-seekers currently in closed camps and detention centres in Thailand. Following the forced return of more than one hundred Lao Hmong refugees to Laos earlier in the year, and credible reports of abuse and detention of many of these individuals upon their return, NGOs note that Thailand will be in further breach of its obligations under international law if the bilateral discussions result in more forcible returns. We urge the Government of Thailand not to rely on diplomatic assurances being provided by the Government of Laos and to continue to provide asylum to these individuals until they can find a durable and rights-based solution to their plight.

NGOs also note that the principle of *non-refoulement* has been ordinarily understood to embrace not only forcible return from within a State's territory, but also non-admittance at its border. ExCom *Conclusion No. 6 (XXVIII) on Non-Refoulement* from 1977 has reaffirmed that the principle of *non-refoulement* applies "both at the border and within the territory of a State of persons who may be subject to persecution if returned to their country of origin irrespective of whether or not they have been formally recognized as refugees."

We have noted, with concern, the forcible removal during 2007 of individuals, including from Sudan and Eritrea, from the territory of Israel at the border with Egypt. According to reports, these

individuals were not allowed to access fair and satisfactory asylum procedures in Israel prior to their removal. This summary expulsion of asylum-seekers appears to contravene Israel's obligations under the 1951 Refugee Convention. Reports have also indicated that asylum-seekers and other migrants attempting to cross the border have been subjected to inhumane treatment by Egyptian security personnel, and that border guards have killed more than one individual. We are further concerned that the Government of Sudan has, in the past, punished and/or executed its own nationals solely for having entered Israel, and that Sudanese migrants within Israel may, therefore, have a *sur place* refugee claim. We call on the government of Sudan to desist from this persecutory practice and on the Government of Israel to provide appropriate international protection to such individuals, particularly protection against *refoulement*.

We remind Member and observer States of ExCom that the principle of *non-refoulement* is a norm of customary international law from which any departure is prohibited. This fact is of fundamental importance in the context of mixed population flows. States should make all efforts to promptly identify those in need of international protection and ensure their access to fair and satisfactory asylum procedures. In no circumstance should any individual be returned to a situation of human rights abuse, regardless of his or her legal status in the host country. We look forward to discussing these and other issues in more depth at the forthcoming *High Commissioner's Dialogue on Protection Challenges*. In this context, we urge that the agenda for this Dialogue provide sufficient space for interactive and meaningful debate and that NGOs are able to participate fully, in recognition of the unique perspectives that we can bring to such a debate.

Detention

The issue of detention is also one of increasing concern to NGOs. In many regions of the world, asylum-seekers and refugees are subject to prolonged, often indefinite, and arbitrary detention. Many States use detention as a regular facet of their asylum and migration policies. Aside from its lawful purpose, States appear to use detention to penalise asylum-seekers for entering their territory in an irregular manner, and/or to act as a deterrent to the arrival of more asylum-seekers.

Such use of detention contravenes the spirit and, often, also the letter of the international system of refugee protection. It also contravenes UNHCR's *Guidelines on Detention*, which state, explicitly, that the detention of asylum-seekers is "inherently undesirable".

In some States, including in States where detention is routinely used as an element of asylum policy, NGOs remain concerned about inadequate procedural safeguards in relation to detention and also about the conditions in which refugees and asylum-seekers are detained. Too often, the detention of refugees and asylum-seekers is not subject to periodic review by a court and in some circumstances asylum-seekers are detained alongside convicted criminals. Detention is also used by States to provide a less than satisfactory "solution" to the situation of rejected asylum-seekers who are in a legal limbo, as they cannot be returned to their place of habitual residence or country of origin.

We are particularly concerned in cases where asylum-seeking and refugee children are detained. We urge all States to recognise in their policies and practice that the detention of children is undesirable and detrimental to their physical and mental well-being. We, therefore, call upon States to refrain from detaining children and, in all cases, to consider the necessity and appropriateness of the detention of children, including, primarily, whether it is in the best interests of the child and proportionate to the objective to be achieved. There should be a statutory prohibition on the detention of unaccompanied and separated children and appropriate accommodation created where none exists.

In this context, we bring to the notice of the ExCom, the situation of 149 recognised Lao Hmong refugees, of which 82 are children, who continue to be detained in appalling conditions at Nong Khai detention centre in Thailand. Reports have indicated that these refugees are confined to two hot, windowless, and overcrowded cells, which they are not allowed to leave. They have no access to clean drinking water, have not been allowed to wash their clothes adequately, and have had their

mosquito netting and blankets removed. UNHCR has described the conditions as “deplorable” and “inhumane”.

We welcome the inclusion of a reference to children in detention within this year’s *Conclusion on Children at Risk*. We are also particularly concerned to ensure that all refugee and asylum-seeking children are able to enjoy access to the right to education, and note in this respect the importance of ensuring that these children have access to a safe school environment and to good quality education.

Economic Rights

The Agenda for Protection (Goal 5, Objective 7), emphasises the need to integrate strategies for self-reliance and empowerment from the outset of refugee operations, with UNHCR as a catalyst to mobilise financial and technical support for such measures. NGOs remind all relevant actors, however, that while the achievement of self-reliance can be a key element of protection, it should not be seen or used as a substitute for a durable solution. In addition, NGOs note that all refugees are entitled to respect for, and protection of, their human rights, by virtue of their humanity, which includes the rights to work, freedom of movement, and to an adequate standard of living, regardless of whether these are being provided in the context of a self-reliance strategy or a durable solution.

Nearly 8 million refugees do not enjoy their rights under the Refugee Convention to work, to practice professions, to engage in enterprises, to own property, or to move freely. In many countries around the world, asylum-seekers are denied employment and forced to live in severely inadequate housing while they wait for a final assessment of their claim.

In some countries, NGOs report a deliberate policy of destitution to force rejected asylum-seekers to leave the territory of the host State. Such individuals are left homeless, unable to work, to access healthcare and/or other essential services. Rejected asylum-seekers in many countries in Europe live in conditions of extreme poverty. Many are unable to return to their countries of origin for reasons beyond their control. In 2004, a parliamentary committee in the United Kingdom noted that “where the removal of a failed asylum-seeker is delayed through no fault of their own, it is morally unacceptable for him to be rendered destitute.” In addition, Iraqi families are reported to be leaving Egypt and returning to Iraq, despite great dangers, in a form of constructive *refoulement* because of destitution in Egypt, particularly by being denied the right to work.

Rather than disempower asylum-seekers and refugees by rendering them destitute or detaining them, States should allow them to work and study in order to facilitate their local integration or return once their status has been determined.

Resettlement and Durable Solutions

NGOs consider that the identification of durable solutions should respect, as far as possible, the intentions and voluntary choice of the individual refugee, including determination of the best interests of the child. Ensuring the right to participation, which is an essential element of the human rights framework, is crucial to enabling refugees to identify rights-respecting solutions to their plight.

We welcome recent offers to resettle a large portion of the 108,000 Bhutanese refugees who have now spent nearly 20 years in camps in Nepal, but are concerned that the combined effect of a strong push for resettlement and the absence of strong and sustained pressure on Bhutan to accept repatriation of the refugees undermines the refugees’ right to a free, voluntary, and informed choice. We caution that all durable solutions offered to this group, including resettlement, must be based on a free, voluntary, and informed choice and should never be premised on coercion, directly or indirectly. We urge UNHCR and resettlement countries to ensure that the choice of resettlement is voluntary and does not in any way extinguish the right to return to Bhutan. In addition, continued discrimination against remaining Lhotsampas and other minorities inside Bhutan risks exacerbating existing tensions and provoking renewed displacement.

While we welcome the resettlement opportunities currently available to refugees from Burma on the Thai-Burma border, we note with concern the impact of the resettlement process on those who remain in camps. Camps are being stripped of refugees who have run community-based organisations, worked as teachers, and paramedics. This is despite undertakings from countries of resettlement that the most vulnerable refugees will be given priority. Resettlement should not just be offered to those individuals who demonstrate “integration potential”. Some refugees from Burma do not wish to be resettled, but given declining conditions in camps feel they have no alternative. Not all refugees will be resettled. It is of critical importance that UNHCR and States ensure that the continuing protection of refugees left in camps is not eroded by the resettlement process.

We welcome efforts to expand the use of resettlement as a durable solution. However, we note that this is a solution that will, of necessity, be available to a minority of the world’s refugees and also note, with concern, that far too many refugees in protracted situations are unable to access any durable solutions at all. The ability of many refugees to access the resettlement solution is also hampered by delays in processing, UNHCR’s actual capacity to make referrals, and onerous criteria related to security concerns. In light of the important role played by resettlement in providing durable solutions for refugees, we welcome indications from some States, particularly in Europe, that they wish to start resettlement programmes and urge these to be initiated without delay. We express concern however, on the adoption, by some States, of integration criteria, instead of focusing on those in greatest need of protection. We also express concern about HIV status being used as a barrier to resettlement.

Palestinian refugees and internally displaced persons (IDPs) constitute the largest and longest-standing unresolved caseload of refugees and displaced persons in the world today. NGOs urge the international community to increase efforts to find voluntary durable solutions to their plight. The estimated 15,000 Palestinian refugees still in Iraq and the hundreds stranded in camps at its borders are particularly vulnerable and in urgent need of evacuation, and at least temporary protection, and access to durable solutions, including local integration, resettlement, and voluntary repatriation.

Given the current numbers accepted by States, we are concerned that only a small percentage of the Iraqi refugee population will be referred for resettlement. We, therefore, urge States with resettlement programs to increase the numbers of places available for refugees from Iraq and to expedite their resettlement processing in view of the urgency that exists. Moreover, we encourage States that have already resettled Iraqi populations to utilise existing family reunification provisions or otherwise make efforts to ensure that family members are speedily reunited and resettled. Efforts must also be urgently made to provide protection to thousands of highly vulnerable Palestinian refugees in Iraq, stranded at Iraq’s borders with neighbouring countries, as well as those in Egypt who have been refused residency. We urge States to make concrete offers of resettlement on their behalf, at least as a temporary humanitarian and protection measure pending a durable solution to their plight.

Statelessness

NGOs welcome the visible commitment and concrete actions undertaken by UN actors and others to prevent, identify, and reduce statelessness and to protect stateless persons. The need remains, however, to increase capacity to respond to the needs of *de jure* and *de facto* stateless individuals, and to strengthen and expand protection and assistance activities, particularly in field operations, to better respond to the wide range of protection and assistance needs of stateless individuals. A substantial and timely addition to the number of dedicated protection officers at the field level, as well as additional professional staff in the statelessness unit at UNHCR headquarters, is essential. Populations of particular concern reside in Bangladesh, Côte d’Ivoire, the Dominican Republic, Estonia, Latvia, Kuwait, the United Arab Emirates, Malaysia, and Syria, to name a few.

NGOs encourage increased efforts to ensure that domestic nationality laws provide for the equal right of women to pass on nationality to their children. Statelessness can increase the vulnerability of children and we, therefore, urge UNHCR to increase its activities to prevent and reduce statelessness in infants, children, and youth.

To facilitate the exchange of practical information between UNHCR field-level protection staff and partner agencies and to identify concrete actions that UNHCR and NGOs can undertake in a coordinated manner to implement the agency's statelessness mandate, we propose *the protection of stateless persons* as one topic for the forthcoming UNHCR/NGO Protection Retreat, currently scheduled for March 2008.

NGOs urge UNHCR to carry out a comprehensive and annual study of the scope of *de jure* and *de facto* statelessness worldwide, including identifying the causes of statelessness and disseminating best practices to achieve remedies to the plight of stateless individuals. In addition, we encourage UNCHR and Member States to implement the provisions of *Conclusion No. 106 on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons* from 2006.

We note also that in addition to statelessness, there are several other issues of concern that require UNHCR guidance, and we urge UNHCR to finalise guidelines on these issues without delay. These include the nexus between trafficking and refugee situations, refugee status determination on the grounds of sexual orientation and gender identity, and the protection of refugees and asylum-seekers living with HIV/AIDS.

ExCom Conclusions

The ExCom is, in essential part, a forum intended to provide tools for UNHCR, States, and partners including NGOs to implement protection. ExCom Conclusions are a valuable tool in this regard, and have in the past provided authoritative guidance on specific aspects of protection, ranging from durable solutions to the protection of specific groups. In particular, in recent years since the Global Consultations, Conclusions have helped elucidate various items of the Agenda for Protection. Yet we note that Conclusions cannot alter the fundamental and core obligations found in the 1951 Refugee Convention and human rights and humanitarian law; obligations that remain binding on States. Nevertheless, NGOs have used, and continue to use, Conclusions to further their advocacy and operations on behalf of refugees, asylum-seekers, IDPs, and stateless populations. We urge ExCom to consider issuing a Conclusion in 2008 that addresses implementation of the rights associated with self-reliance and related principles of equitable international burden and responsibility sharing.

NGOs have welcomed the opportunity over the last years to formally lend their expertise and experience to the Conclusions drafting process, and look forward to enhanced participation. We would be pleased to contribute to any evaluation undertaken by UNHCR on the effectiveness of Conclusions. In our opinion, the Conclusions with the least protection value are those that merely re-state language from previous Conclusions or, worse, attempt to dilute or circumvent obligations under international law and standards. The most effective Conclusions are those that bring clarity and greater definition to protection issues articulated within the Refugee Convention, and provide guidance on concrete action that furthers protection objectives. *The Conclusion on Women and Girls at Risk No.105* from 2006 is a good example of such guidance. NGOs commend UNCHR for the positive steps already taken to implement this Conclusion and call on States to provide the necessary resources for this process to continue. Conclusions have important practical application for States, UNHCR, and NGOs and we encourage all Member States to ensure that all Conclusions are negotiated with a view to enhancing protection, rather than merely furthering the interests of States.

Thank you, Mr. Chairman.

ANNEX IX

PARTICIPANTS' EVALUATION OF THE 2007 ANNUAL CONSULTATIONS WITH NGOS

This evaluation is based on the response of 61 participants, which represents 19% of the 324 participants. The findings can be considered representative, although not conclusive.

As with previous years, the overall rating for the Annual Consultations with NGOs was good. The CICG venue was found more conducive to networking and access to the meetings, vis-à-vis security, was much easier. The structure and quality of the sessions was considered generally good; however comments are varied showing that some sessions were very good whilst others were poor. Lack of time continues to be a negative point due to poor moderation and long presentations. One participant commented that "speakers tried to talk too much about the statements and the policy without knowing the real life or not having an overview of the topic, just showing an ideal world". The role of moderator is key – "some moderators merely introduced presenters; others viewed their roles as more substantive. Obviously, the latter category of moderator contributed to a more meaningful session". The venue was not found conducive to a round-table setting, which limited debate to just questions and answers.

Comments on the Regional Sessions vary from "too broad, no agenda" to "very informative and allowed a quite good exchange of views". In general, participants found the exchange between UNHCR and NGOs working in the region very useful and could relate to the situation. Some NGOs would have liked to discuss the regional strategy for next year.

The agenda was found good but too general. It was recognised that meeting the needs of such a diverse audience is challenging. One participant suggested having separate events for rights-based and humanitarian implementing partners. Although the event provides a great opportunity for networking, participants found the agenda too tight and therefore limited the time for meeting people. Lunch was found to be particularly 'painful' to skip. Suggestions include bigger badges, mobile name plates, starting earlier, longer breaks, exhibition space and sharing the 'NGO Profile in Brief' booklet ahead of time. The idea of regional Pre-ExCom sessions was favourable and a good way to include more national NGOs in discussions, although not at the expense of the global forum. Some suggested having Pre-ExCom earlier in order to have a better impact on ExCom. More guidance is needed on preparing the sessions and how to interact at Pre-ExCom, especially for newcomers. Participants also commented on follow-up to the Pre-ExCom conclusions and recommendations.

The table below provides some indication of the degree of satisfaction of the 2007 Annual Consultations with NGOs. The participants' comments are available at www.unhcr.org.

Rating: 1 = very poor; 2 = poor; 3 = good; 4 = very good	Structure					Usefulness				
	1	2	3	4	Avg.	1	2	3	4	Avg.
Agenda		5	27	22	3.3		7	29	19	3.2
Overall quality of the round-tables you attended		4	37	11	3.1	1	6	29	18	3.2
Overall quality of the regional sessions you attended		7	28	15	3.2		13	19	18	3.1
Overall quality of the plenary sessions		6	30	15	3.2		11	25	22	3.2
Venue at CICG		1	18	35	3.6			12	33	3.7
Venue At the Palais des Nations		4	31	17	3.3		5	24	16	3.2
Side meetings		5	24	18	3.3		4	23	21	3.4
Opportunity to network	1	6	21	25	3.3	1	4	15	29	3.5
Overall organization of the Annual Consultations		4	22	27	3.4		5	19	28	3.4

ANNEX X

**NOTE ON MEETING WITH NGOS ON
THE 2007 NGO CONSULTATIONS REVIEW AND PLANNING FOR 2008
14 NOVEMBER 2007
14H00 – 16H30, UNHCR CAFETERIA**

1. Review of 2007

High-lights

- Plenary sessions were good. The opening plenary set the tone for the theme on partnership.
- Pre-ExCom is a good occasion for NGOs not in Geneva to be brought up-to-date on current debates and initiatives.
- Good forum to share information.
- Best sessions were those that had speakers with an interest in the topic.

Low-lights

- Regional sessions describe what UNHCR is doing but do not highlight the gaps.
- Little substantive interaction in the sessions.
- Need to clarify expectations – the goal of Pre-ExCom is not clear.
- Need a build-up process and not just a flat-out delivery of information.
- Some speakers just describe what their own organization is doing and not focus on the topic.
- Preparatory process is very important – from the NGO-side on issues to be addressed, and from the UNHCR-side vis-à-vis the people with the knowledge to respond.
- Follow-up process is equally important.

Themes

- The partnership theme was good and carried through the sessions identified under this sub-theme.
- The theme on Specific Situation Focuses was just a collection of headings.

Organization of panels

- The sessions are 90 minutes and panel is organized by the NGO that suggested the topic in collaboration with a UNHCR focal point. Instructions from the NGO Liaison Unit explain that the panel should be NGO-moderated and comprise 3 speakers maximum (one UNHCR, one NGO and one Other (NGO, IGO, UN, UNHCR, academic, government)). Each speaker should make a presentation of 7-10 minutes after which the floor is opened for Q+A.
- Reality dictates that panels sometimes have more than three speakers and speakers do not stick to the time-limit leaving only 20 to 30 minutes for Q+A.
- Suggestion to replicate the Guide for Moderators for speakers.

Rapporteur and the Rapporteur's Report

- To assist the role of the Rapporteur, James Thomson proposed formalising an initiative taken by the Australian Refugee Rights Alliance (ARRA) to have two documenters assigned to every plenary session presentation, round-table session and side meeting in order to take notes and pass them to the Rapporteur for the official report back.
- The NGO Liaison Unit is transcribing any actionable points in the Rapporteur's report to a matrix in order to help follow-up by NGOs and UNHCR. Pre-ExCom 2008 could begin with

reference to the actions in order to instil continuity from one year to the next. There is a need, however, to weed out those recommendations and/or conclusions that are actionable from those that are theoretical and have no mandate.

- The NGO Liaison Unit proposed replicating the ExCom Bureau Chairmanship by having a ‘Vice-Rapporteur’ that would become the following year’s Rapporteur. This initiative would allow the work to be shared between the two and give some continuity to the role. In this respect, James Thomson agreed to be the Rapporteur for Pre-ExCom 2008.

Other suggestions

- James Thomson proposed establishing a Guide for Participants to allow NGOs to be more informed when deciding whether to attend Pre-ExCom and ExCom, how they might participate, what opportunities there are for meetings, interaction, information-sharing, etc.
- He also proposed an Annual Consultations Manual to serve as a repository for good ideas and tips on organizing that often get lost each year.
- The current time used for the ICVA orientation sessions could be used for a planning meeting with speakers, moderators, ICVA, NGO Liaison Unit, the Rapporteur and Vice-Rapporteur.

Conclusion(s)

NGO Liaison Unit will suggest ways to put in place:

- A build-up process through NGO networks and UNHCR Field Offices (for example, NGOs from the region to begin a process that would identify issues that would inform the regional session agenda at Pre-ExCom).
- A follow-up process to the Rapporteur’s report (for example, target the UNHCR focal point and the NGO that organized the working session).
- A guide to Pre-ExCom.

2. Planning for 2008

Location and format

- Should the NGO consultations be held in Geneva or should they be regional. It was agreed that a combination was favourable. It would be difficult to have an either/or because many NGOs come to Geneva to attend Pre-ExCom and ExCom and to meet with UNHCR, other NGOs and governments. The regional events could be a stepping-stone process to the global event. The regional hubs could work on the issues. However, would it then be necessary for regional sessions at the Geneva level?
- The PARinAC process in the nineties held regional meetings worldwide. It was very structured but required huge organization. However, would we be able to do that all the time? Moreover, regions differ and it is not necessarily cheaper.
- It was questioned when the NGO consultations should take place – pre-ExCom, post-ExCom, around the June Standing Committee meeting.

Themes for 2008

Recognizing that some would be better as a session rather than a theme, suggestions comprised:

- The topic for the 2008 HC’s Dialogue
- Climate change
- Implementation of the Global Humanitarian Platform Principles of Partnership
- Mainstreaming of IDPs in UNHCR
- Humanitarian space
- Human Rights

- Guiding Principles of IDPs

Conclusion(s)

NGO Liaison Unit will:

- Disseminate options for the timing of Pre-ExCom 2008 and ask NGOs for feedback.
- Arrange a planning meeting on the margins of the March 2008 Standing Committee.