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## Appendix A: STANDARDS OF CONDUCT

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This Appendix contains two documents:

- Appendix A1**      The **Framework Agreement for Operational Partnership (FAOP)** between UNHCR and NGOs. This Agreement grew out of the PARinAC Process (1994). Using the PARinAC Oslo Agreement and Plan of Action as its basis, the FAOP addresses the need for a common approach towards the provision of protection and assistance to refugees by UNHCR and its NGO partners. Under the Framework Agreement, it is agreed that the partners will be guided by the principles set down in the Code of Conduct of the International Red Cross and Red Crescent Movement and Non-Governmental Organizations which includes, *inter alia*, the following commitments:
- to ensure that the humanitarian imperative comes first;
  - to give aid regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind; and to determine aid priorities on the basis of need alone;
  - to ensure that aid will not be used to further a particular political or religious standpoint;
  - to not act as instruments of government policy.
- Appendix A2**      This contains UNHCR's Code of Conduct. As noted in the Foreword to the Handbook, UNHCR looks to those who work with the Office to address the needs of refugees and others of concern, to share its vision and broad objectives related to international protection. In particular, it expects of its own staff standards of conduct commensurate with their role of providing protection: these have been set out in a UNHCR Code of Conduct. UNHCR's partners, be they operational partners or implementing partners, are asked to espouse the *Core Values and Guiding Principles* underlining the Code of Conduct. More specifically, partners are asked to "prevent, oppose and combat all exploitation and abuse of refugees and other persons of concern". In this context, the six Principles elaborated by the Inter Agency Standing Committee, and which, in turn, are reflected in the codes of conduct of different agencies, and the related Bulletin of the Secretary-General, are fundamental. These expectations as to professional behaviour on the part of staff of those agencies signing implementation Agreements with UNHCR have been reflected in the Sub-Project Agreement at Article 4.04.1 (Appendix C1) and Appendix 2 to the Sub-Project Agreement.



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## Appendix A1 FRAMEWORK AGREEMENT FOR OPERATIONAL PARTNERSHIP between the UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES and (NON-GOVERNMENTAL ORGANIZATION)

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### I. INTRODUCTION

1. The Framework Agreement for Operational Partnership (FAOP) recognises the importance of the contribution of all entities working with refugees, as well as the need for a strong partnership between the United Nations High Commissioner for Refugees (UNHCR) and all Non-Governmental Organizations (NGOs) involved in refugee operations, to ensure the delivery of effective protection and assistance. For ease of reference, 'refugees' is used in this Agreement to describe **all** persons of concern to UNHCR.
2. The Partnership in Action (PARinAC) process led to the 1994 Oslo Declaration and Plan of Action between UNHCR and NGOs, and among NGOs themselves, and set a framework for joint humanitarian action in favour of refugees. This Framework Agreement for Operational Partnership (FAOP) is a follow-up to, and an integral part of, the PARinAC process. Using the Oslo Declaration and Plan of Action as its basis, the FAOP addresses the need for a common approach towards the provision of protection and assistance to refugees. Throughout the FAOP the word 'Partners' is used to denote UNHCR and NGOs together, and refers to both parties to the partnership.
3. Refugee operations range in scale from complex emergencies protecting and assisting hundreds of thousands of refugees to small-scale protection and assistance activities for limited numbers of individual refugees in towns and cities. They may cover such activities as protection, care and maintenance, repatriation, reintegration, institution building, resettlement, representation and advocacy. Cooperation, coordination and operational approaches will be defined by the situation on the ground in any given operation, and will include host Governments, who have overall responsibility for refugee protection in their own country. Sources of funding and inputs from Partners vary significantly in different operations. Partnership therefore requires a deliberate effort on the part of both Partners. By signature of this Agreement, Partners confirm their common commitment to putting in place, at the field and headquarters level, mechanisms to ensure the effectiveness of this Partnership. The FAOP between UNHCR and [xx NGO] aims to build an active operational Partnership through a common commitment to:
  - understanding each others roles and responsibilities;
  - the highest standards of conduct, both professionally and personally;
  - improved mechanisms for consultation and cooperation, including information sharing;
  - coordinated programme planning and implementation;
  - seeking solutions;

- complementarity of activities;
- maximising the effective use of resources;
- avoiding duplication of efforts and unnecessary competition;
- benefiting from each others competence and expertise;
- joint training and capacity building.

## II. RESPONSIBILITY

4. By virtue of its Statute, UNHCR has responsibility for 'providing international protection, under the auspices of the United Nations, to refugees' and 'seeking permanent solutions for the problems of refugees by assisting Governments and, subject to the approval of the Governments concerned, private Organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities'<sup>1</sup>. The High Commissioner is also charged with administering 'any funds, public or private, which s/he receives for assistance to refugees, and shall distribute them among the private and, as appropriate, public agencies which s/he deems best qualified to administer such assistance'<sup>2</sup>. UNHCR is bound by its Mandate and is required to provide protection to refugees, and as a part of its protection activities to coordinate and monitor the assistance provided.
5. The Partners recognise the primary protection role and responsibility of UNHCR in any refugee situation. It is recognised that NGOs have, in many different situations, an important role to play with UNHCR in protection and advocacy at the field level as well as elsewhere. UNHCR's protection policy should be communicated to all UN agencies and NGOs working in a region and should be encouraged to focus their activities to complement UNHCR's protection activities. The UNHCR/NGO field guide on protection will provide the basis for cooperation in protection at the field level<sup>3</sup>.

## III. STANDARDS OF CONDUCT

6. The Partners will be guided by the principles set down in the Code of Conduct of the International Red Cross and Red Crescent Movement and Non-Governmental Organizations<sup>4</sup> which includes:
  - a) the humanitarian imperative comes first;
  - b) aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone;
  - c) aid will not be used to further a particular political or religious standpoint;
  - d) we shall endeavour not to act as instruments of government foreign policy;

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<sup>1</sup> Statute of the Office of the United Nations High Commissioner for Refugees, Chapter 1, Paragraph 1.

<sup>2</sup> Ibid, Chapter 2, Paragraph 10.

<sup>3</sup> Protecting Refugees, A Field Guide for NGOs.

<sup>4</sup> Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief.

- e) we shall respect culture and custom;
- f) we shall attempt to build response on local capacities;
- g) ways shall be found to involve programme beneficiaries in the management of relief aid;
- h) we hold ourselves accountable to both those we seek to assist and those from whom we accept resources;
- i) in our information, publicity and advertising activities we shall recognize disaster victims as dignified human beings, not objects of pity.

#### IV. CONSULTATION AND COOPERATION

7. At the country level the Partners, together with the Government, concerned UN Agencies, local leaders and, wherever possible, refugee representatives (both men and women), will form or support and participate in, a forum for regular general discussion, consultation and cooperation between all those involved in providing protection and assistance to refugees. This will ensure *inter alia* an understanding of the overall policy and strategy of a given operation. This forum will include those NGOs who are parties to the FAOP, as well as those who are not parties to the FAOP but who are prepared to work within the framework of this Forum. (See also paragraph 10, which is an alternative forum for operational coordination at the field level).
8. The Partners recognise the importance of cooperation between NGOs themselves and encourage the establishment of a forum for inter-NGO consultation<sup>5</sup>. UNHCR will provide support and assistance to an NGO forum at the field level, if requested, and where possible.
9. Contact at the headquarters level between partners is important, and could include mailings, briefing meetings, and other regular contacts between the relevant staff. All Partners in an operation need to have access to relevant information on activities and policy on the refugee operations in which they are involved, at the level of their headquarters, as well as in the field.

#### V. COORDINATED ASSESSMENT, PLANNING AND IMPLEMENTATION

10. As a rule the partners will work together on overall needs assessment and operations planning, as well as ongoing assessment, monitoring of protection and assistance activities, needs, general programme review and evaluation. In complex operations, an Operations Committee may be set up, comprising Government Officials, UN Heads of Agency, and NGO Team Leaders, as well as local community leaders, to coordinate the overall activities of an operation. (See also paragraph 7, which is an alternative forum for exchanging information rather than operational coordination). Partners recognize that operations planning and coordination are a part of protection, including the particular protection needs of women and children.

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<sup>5</sup> See the InterAction NGO Field Cooperation Protocol.

11. Partners will work together to determine the mechanisms required to enable agreement on specific guidelines and standards as required for a particular refugee operation. This may include the formation of one or more sectoral committees to ensure that operation specific standards are consistent with international standards and norms, and that they are adhered to. The Sphere Project: Humanitarian Charter and Minimum Standards<sup>6</sup> may be used as guidance to determine appropriate guidelines and standards.
12. Partners will work closely together, as well as with refugee representatives and committees, which must include women, to ensure that refugees with special needs are identified and that their protection and assistance needs are properly addressed, including by sectoral committees and community-based programmes. UNHCR's guidelines on dealing with those who are or may become vulnerable, and who are subjected to violence or other treatment requiring special protection will be used in planning and implementing general and specific programmes for refugee operations<sup>7</sup>. This applies particularly to refugee women and children.
13. Sectoral Committees will be chaired by a technical expert, with field experience, from either the host Government, UNHCR (particularly where UNHCR has appointed a technical coordinator) or an NGO, with participation from NGOs working in the same or a similar technical sector. Participation should include, where appropriate, programme, community services and protection staff from UNHCR and/or NGOs. Where there are cross-sectoral technical issues UNHCR and NGOs must ensure that there is coordination between technical experts/sectoral committees on operational questions.
14. Where more than one NGO in an operation is carrying out similar functions, either at the same or adjacent sites, these agencies will agree in a memorandum of understanding (to include UNHCR and, where appropriate, a Government agency) the coordination and decision making mechanisms put in place to ensure compatible programmes and appropriate standards.
15. The Partners recognize the contribution of the host population in any refugee operation and are committed to ensuring that there is an early assessment of the impact of the refugee population on the area in which they find themselves and to take timely action to minimise the adverse effect of this impact on the local environment and population.
16. The Partners emphasise the importance of protection, meeting the needs of the vulnerable/potentially vulnerable and involving the refugee population in all aspects of operations planning and implementation. They will, in particular, ensure that refugee committees, including women's groups, are consulted and involved on both technical and general operational management issues.

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<sup>6</sup> The Sphere Project – Humanitarian Charter and Minimum Standards in Disaster Response, <http://www.sphereproject.org>. The Sphere Project is a programme of the Steering Committee for Humanitarian Response (SCHR) and InterAction with VOICE, ICRC and ICVA.

<sup>7</sup> UNHCR and other relevant Standards, Guidelines and Advisory Documents.

## VI. EFFECTIVE USE OF RESOURCES

17. UNHCR and NGO Partners will endeavour to identify national bodies, with whom they can work closely, in order to use effectively local resources and enhance local capacity in the long term, with a view to handing over activities to national partners as soon as appropriate. International NGOs with local sections/branches will support activities to enhance the capacity of their local sections to enable them to participate more fully in refugee operations.
18. The Partners are committed to ensure adequate care for all of their staff, national and international, in the field<sup>8</sup>. Recognizing that circumstances in which humanitarian aid is provided are becoming harder and people are an essential factor in the success of refugee operations, Organizations will strive to create adequate working conditions for their staff. In particular, all reasonable steps will be taken to ensure security and well-being of staff.
19. The Partners recognize the importance of staff development in improving the effectiveness of refugee operations. Both will ensure that their staff receives appropriate training, including joint UNHCR/NGO training at the field level.
20. The Partners recognize the importance of effective monitoring and evaluation in ensuring the highest possible standards of service to refugees in the most cost-effective manner. Partners will make every effort to conduct joint monitoring and evaluation at the field level.
21. The partners are committed to the need to report on their activities, from the perspective of both finance and effectiveness.

## VII. SECURITY AND COMMUNICATIONS

22. In insecure and isolated areas the Partners recognise the mutual dependence of all humanitarian workers at the field level for their security and communications strategy, and the potentially adverse impact the actions of one partner may have on the other. The Partners are committed to working closely to ensure information sharing, cooperation and coordination in both these areas, and will ensure that, where appropriate, all staff in the field are fully briefed on the security situation, the security plan, restrictions and other security measures in force. Partners are responsible for the behaviour and action of their own staff and ensuring their compliance with agreed security procedures. UNHCR will assist, to the extent possible, the NGO partner to have access to both telecommunications equipment and training.

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<sup>8</sup> People in Aid Code of best practice in the management and support of aid personnel provides principles of practice.

## VIII. AGREEMENT IMPLEMENTING PRINCIPLES

23. This Agreement reflects a broad framework within which Partners will work. However, Partners agree that it is important to the implementation of this agreement that, at the operational level, there will be local agreements that reflect the reality of individual operations. These local operational agreements should address the issues outlined in Sections IV (Consultations and Cooperation) V (Coordinated Assessment, Planning and Implementation) and VI (Effective Use of Resources). This does not exclude Partners reaching agreements on other issues specific to an individual operation, and which will enhance the effectiveness of a joint response to a refugee situation.
24. Nothing in this agreement shall affect the relations of UNHCR with its Executive Committee or the Office of the Secretary General of the United Nations, nor shall it affect the contractual relationship between UNHCR and any implementing partner.
25. This Agreement does not affect the identity or core values of individual partners.
26. This Agreement will enter into force upon its signature by both parties and shall be of indefinite duration. It may be terminated by either party upon 30 days written notice.
27. The text of this FAOP will be monitored regularly by a Joint UNHCR/NGO Working Group. An NGO member, elected by the Joint Working Group, will Chair the Working Group, and UNHCR's NGO Coordinator will act as Secretary to the Working Group and provide a focal point for the Working Group's follow up to this Agreement. Arrangements will be put in place for the Joint Working Group to consult widely before proposing modifications to the text. Joint evaluations by the signatories of the FAOP of adherence to the principles embodied in this Agreement will be organized as deemed appropriate.
28. The Partners shall ensure that this FAOP is widely disseminated within their own Organizations, including at the field level. Action to promote adherence to the terms of this Agreement will be initiated at all levels by both Partners. In new operations, the FAOP will serve as a mechanism for establishing agreed coordination strategy. For on-going operations, the FAOP will serve as a mechanism for evaluating and strengthening existing coordinating strategy.
29. Problems arising from the implementation of this Agreement will be dealt with initially between the senior staff member of each partner at the field level. In the absence of a satisfactory conclusion, the matter can be referred by UNHCR offices to the Coordinator if the NGO Liaison Unit and by [XNGO] staff to a designated staff member in [XNGO] for review.

The UN High Commissioner for Refugees  
*President*  
NGO

## Appendix A2 CODE OF CONDUCT

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**OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER  
FOR REFUGEES  
(UNHCR)**



## **CODE OF CONDUCT**

### **INTRODUCTION**

UNHCR's capacity to ensure the protection of and assistance to refugees and other persons of concern depends on the ability of its staff to uphold and promote the highest standards of ethical and professional conduct. We, the staff members of UNHCR, are personally and collectively responsible for maintaining these standards. Managers have a particular responsibility to uphold these standards, to set a good example, and to create a working environment that supports and empowers staff.

It is recognised that UNHCR's work often puts its staff in positions of power in relation to its beneficiaries. Staff have an obligation not to abuse this power.

This Code of Conduct is intended to serve as an illustrative guide for staff to make ethical decisions in their professional lives, and at times in their private lives. It is a moral code that does not have the force of law. It is designed to assist staff to better understand the obligations placed upon their conduct by the Charter of the United Nations and the Staff Regulations and Rules, which remain the only legal instruments that determine acceptable conduct in UNHCR. Signing the Code does not take away any acquired rights of UNHCR Staff.

While acknowledging that local laws and customs may differ from one country to another, the Code of Conduct is based on international legal standards. For example, children are defined as those under the age of 18. Guidance on appropriate interpretation can be found in the Notes to the Code of Conduct.

The Code applies to all UNHCR staff members, who will be requested to sign it. Persons holding a UNHCR consultant contract and interns will also receive the Code and be requested to confirm that they uphold its standards as far as applicable to their status. Governmental and non-governmental organisations and companies which, through their employees, work for UNHCR, will be requested to make the principles contained in the Code known to those persons in an appropriate manner.

All UNHCR staff are responsible for encouraging, advocating and promoting the dissemination of the Code of Conduct. They also have a role in implementing, monitoring and enforcing its standards. Staff are also urged to encourage partners to adhere to these standards and to join UNHCR staff in upholding them.

## **CORE VALUES AND GUIDING PRINCIPLES**

### ***UNHCR staff are committed to the following fundamental values and principles:***

- *As staff working within the United Nations system, we will ensure that our conduct is consistent with and reflects the values enshrined in the Charter of the United Nations: respect for fundamental human rights, social justice and human dignity, and respect for the equal rights of men and women. We will assist UNHCR to actively promote adherence to the principles of international refugee law, international human rights law and international humanitarian law. We will be guided by the core values of the United Nations system, including professionalism, integrity and respect for diversity, and will maintain an international perspective at all times.*
- *As UNHCR staff, our primary commitment is to ensure the protection of and assistance to refugees and other persons of concern, in accordance with the mandate of the Office. We are committed to supporting the fullest possible participation of refugees and other persons of concern – as individuals, families and communities – in decisions that affect their lives.*
- *We will respect the dignity and worth of every individual, will promote and practise understanding, respect, compassion and tolerance, and will demonstrate discretion and maintain confidentiality as required. We will aim to build constructive and respectful working relations with our humanitarian partners, will continuously seek to improve our performance, and will foster a climate that encourages learning, supports positive change, and applies the lessons learned from our experience.*
- *We will show respect for all persons equally without distinction whatsoever of race, gender, religion, colour, national or ethnic origin, language, marital status, sexual orientation, age, socio-economic status, disability, political conviction, or any other distinguishing feature. We will strive to remove all barriers to equality.*
- *We will respect the cultures, customs and traditions of all peoples, and will strive to avoid behaving in ways that are not acceptable in a particular cultural context. However, when the tradition or practice is considered by the relevant organ of the United Nations to be directly contrary to an international human rights instrument or standard, we will be guided by the applicable human rights instrument or standard.*

## COMMITMENT TO UNHCR CODE OF CONDUCT

### *As a staff member of UNHCR, I commit myself to:*

**1. *Treat all refugees and other persons of concern fairly, and with respect and dignity.***

I will always seek to understand the difficult experiences that refugees and other persons of concern to UNHCR have faced and survived, as well as the disadvantaged position in which they – particularly on the basis of gender, age or disability – may find themselves in relation to those who hold power or influence over aspects of their lives.

I will always seek to care for and protect the rights of children, and act in a manner that ensures that their best interests shall be the paramount consideration.

If my job involves direct work with refugees or other persons of concern, I will meet with them regularly, in order to fully understand their experiences and needs, and to explain the role of UNHCR and the scope of its work.

I will keep myself informed about UNHCR's policies, objectives and activities and about refugee concerns, and will do my utmost to support the Office's protection and assistance work.

**2. *Uphold the integrity of UNHCR, by ensuring that my personal and professional conduct is, and is seen to be, of the highest standard.***

I will demonstrate integrity, truthfulness, dedication and honesty in my actions. I will be patient, respectful and courteous to all persons with whom I deal in an official capacity, including refugees and other persons of concern, representatives of operational and implementing partners, governments and donors.

I will observe local laws, will meet all my private legal and financial obligations, and will not seek to take personal advantage of any privileges or immunities that have been conferred on me in the interest of the United Nations. I will do my utmost to ensure that the conduct of members of my household does not reflect unfavourably on the integrity of UNHCR.

**3. *Perform my official duties and conduct my private affairs in a manner that avoids conflicts of interest, thereby preserving and enhancing public confidence in UNHCR.***

My actions will be free of any consideration of personal gain, and I will resist any undue political pressure in decision-making. I will neither seek nor accept instructions regarding the performance of my duties from any government, including my national authorities, or from any authority external to the United Nations.

In accordance with Staff Regulations and Rules, I will not accept any honour, decoration, favour gift, remuneration, from any government; nor will I accept these from any other source external to the United Nations without prior authorisation. I will not engage in any outside occupation or

employment without prior authorisation. I will not accept supplementary payments or subsidies from a government or any other source, or participate in certain political activities such as standing for or holding public office.

I will avoid assisting private persons or companies in their undertakings with UNHCR where this might lead to actual or perceived preferential treatment. I will never participate in activities related to procurement of goods or services, or in human resource activities, where a conflict of interests may arise.

**4. *Contribute to building a harmonious workplace based on team spirit, mutual respect and understanding.***

I will show respect to all colleagues, regardless of status or position, and will allow all colleagues the opportunity to have their views heard, and to contribute from their knowledge and experience to team efforts. I will communicate openly and share relevant information (subject to confidentiality requirements) with other colleagues, and will endeavour to respond in a timely manner to queries.

I will respect my colleagues' privacy, and avoid misinformation. I will seek to resolve differences and solve problems when they arise. I will contribute to building constructive dialogue, guided by mutual respect and an open, positive approach, between management and staff representatives.

As a manager/supervisor I will be open to the views of all team members. I will provide timely feedback on the performance of each team member through guidance, motivation and full recognition of their merits.

**5. *Promote the safety, health and welfare of all UNHCR staff as a necessary condition for effective and consistent performance.***

I will remain aware of and comply with all instructions designed to protect my health, welfare and safety. I will always consider the safety of staff in operational decisions. If I have doubts regarding an instruction that I consider threatening to my safety or the safety of other persons, I will bring this immediately to the attention of my supervisor.

As a manager/supervisor, I will endeavour to ensure that the health and well-being of staff and their families are not subjected to undue risk. I will promote a healthy work-life balance for staff, and will respect staff entitlements.

**6. *Safeguard and make responsible use of the information and resources to which I have access by reason of my employment with UNHCR.***

I will exercise due care in all matters of official business, and not divulge any confidential information about refugees, colleagues and other work-related matters in accordance with the staff regulations and rules and current guidelines.

I will protect, manage and utilise UNHCR human, financial and material resources efficiently and effectively, bearing in mind that these resources have been placed at UNHCR's disposal for the benefit of refugees and other persons of concern.

**7. *Prevent, oppose and combat all exploitation and abuse of refugees and other persons of concern.***

I undertake not to abuse the power and influence that I have by virtue of my position over the lives and well-being of refugees and other persons of concern.

I will never request any service or favour from refugees or other persons of concern in return for protection or assistance. I will never engage in any exploitative relationships – sexual, emotional, financial or employment-related – with refugees or other persons of concern.

Should I find myself in such a relationship with a beneficiary that I consider non-exploitative and consensual, I will report this to my supervisor for appropriate guidance in the knowledge that this matter will be treated with due discretion. I understand that both my supervisor and I have available to us normal consultative and recourse mechanisms on these issues.

I will act responsibly when hiring or otherwise engaging refugees or other persons of concern for private services. I will report in writing on the nature and conditions of this employment to my supervisor.

**8. *Refrain from any involvement in criminal or unethical activities, activities that contravene human rights, or activities that compromise the image and interests of UNHCR.***

I will neither support nor take part in any form of illegal, exploitative or abusive activities, including, for example, child labour, and trafficking of human beings and commodities.

As UNHCR is committed to the highest standards of protection and care for children, I am aware that I am expected not to engage in sexual activities with any person under the age of 18. (Further guidance is given in the Notes to this Code of Conduct).

**9. *Refrain from any form of harassment, discrimination, physical or verbal abuse, intimidation or favouritism in the workplace.***

I will not engage in or tolerate any form of harassment in the workplace, including sexual harassment and abuse of power.

As a manager/supervisor, I will not solicit favours, loans or gifts from staff, nor will I accept unsolicited ones that are of more than token value.

I recognise that there is an inherent conflict of interest and potential abuse of power in having sexual relations with staff under my supervision. Should I find myself in such a relationship, I will resolve this conflict of interest without delay.

