

55TH SESSION

OF THE EXECUTIVE COMMITTEE

Report on Consultations
with Non-Governmental Organizations

28 - 30 September 2004

Palais des Nations - Geneva, Switzerland



UNHCR
The UN Refugee Agency

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Abstract

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

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

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

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

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

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

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Introduction

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

Welcome to 2004 Annual Consultations with NGOs

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

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

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

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

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

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

Opening Address

3. Kamel Morjane, Assistant High Commissioner for Refugees

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

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

Focusing on regional developments, the AHC described the following:

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

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

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

Regional Sessions

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

Moderator: Damaso Feci, INTERSOS

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

Anna Maria Deutschlander, Legal Officer, Iraq Support Unit

Emmanuel Gignac, Senior Desk Officer, Iraq Support Unit

Salvatore Lombardo, Head of Afghan Comprehensive Solutions Unit

Monique Malha, Senior Legal Officer

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

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

Objective:

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

Intervention(s):

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

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

Discussion:

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

5. Asia and the Pacific Bureau

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

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

Catherine Huck, Head of Desk I

Hiro Mori, Head of Desk II

Objective:

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

Intervention(s):

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

Discussion:

MYANMAR/THAILAND

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

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

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

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

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

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

NEPAL/BUHTAN

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

PHILIPPINES (MINDANAO)/MALAYSIA

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

BANGLADESH/MYANMAR

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

CHINA/NORTH KOREA

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

AUSTRALIA

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

6. Africa Bureau

Moderator: Terry Ishbairu, Tanganyika Christian Refugee Service

Speaker(s): David Lambo, Director, UNHCR

joined by:

Ebrima Camara, Deputy Director

Bruno Geddo, Senior Legal Adviser

Josefa Ojano, Senior Resource Manager

Objective:

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

Intervention(s):

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

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

Discussion

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

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

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

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

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

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

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

7. Americas Bureau

Moderator: Mahmoud Sayani, FOCUS Humanitarian Assistance

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

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

Objective(s):

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

Intervention(s):

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

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

Discussion:

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

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

8. Europe Bureau

Moderator: András Kováts, Menedék – Hungarian Association for Migrants

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

Oluseyi Bajulaiye, Deputy Director (Western and Central Europe)

Robert Robinson, Deputy Director (Eastern Europe)

Objective(s):

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

Intervention(s):

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

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

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

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

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

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

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

Discussion:

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

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

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

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

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

Conclusion(s):

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

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

Working Sessions

9. Towards a Mediterranean Strategy

Moderator: Ed Schenkenberg, International Council of Voluntary Agencies

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

Objective(s):

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

Intervention(s):

The Mediterranean approach touches upon several important protection issues:

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

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

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

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

Discussion:

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

Conclusion(s):

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

10. HIV/AIDS: Conflict and displaced persons

Moderator: Paul Spiegel, Technical Support Section, UNHCR

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

Objective:

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

Intervention(s):

UNHCR:

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

World Vision International:

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

DFID:

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

Discussion:

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

11. Security Management: From paper to practice

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

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

Objective(s):

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

Intervention(s):

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

Discussion:

Issues raised from participants included:

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

Conclusion(s):

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

12. IDP Protection: Putting theory to practice

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

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

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

Marc Vincent, Office for the Coordination of Humanitarian Affairs

Objective(s):

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

Intervention(s):

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

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

Discussion:

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

Conclusion(s):

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

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

Moderator: Mariette Grange, International Catholic Migration Commission

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

Objective:

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

Intervention(s):

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

Discussion:

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

Conclusion(s):

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

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

Moderator: Christine Bloch, Jesuit Refugee Service

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

Eva Abu Halaweh, MIZAN

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

Laurent Raguin, Gender and Age Focal Point, CASWANAME Bureau

Objective:

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

Intervention(s):

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

Main challenges highlighted include:

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

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

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

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

Discussion:

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

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

Conclusion(s):

The main conclusions comprised:

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

15. Protection refugees through education

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

Speaker(s): Christoph Bierwirth, Protection Policy & Legal Advice Section, UNHCR
Tom Delrue, The Foundation for the Refugee Education Trust
Beatrice Kangbai, Forum for African Women Educationalists
Mohammed Touré, Protection Operations Support Section, UNHCR

Objective(s):

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

Intervention(s):

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

Discussion:

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

Conclusion(s):

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

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

Moderator: Margaret Piper, Refugee Council of Australia

Speaker(s): Larry Bottinick, Protection Operations Support Section, UNHCR
Sajjad Malik, Reintegration & Local Settlement Section, UNHCR
Merrill Smith, US Committee for Refugees

Objective(s):

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

Intervention(s):

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

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

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

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

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

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

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

Discussion:

Problems in Africa due to:

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

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

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

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

Conclusion(s):

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

17. Building NGO Capacities

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

Speaker(s): Calvin Armstrong, British Refugee Council

Kayamba Tshitshi Ndouba, Comisión Española de Ayuda al Refugiado

Tarja Rantala, Ministry of Labour, Finland

Objective(s):

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

Intervention(s):

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

Discussion:

Some obstacles in RCO work are:

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

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

Conclusion(s):

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

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

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

Plenary Session

18. NGO Perspectives

Moderator: Jamilah M. Datuk, MERCY Malaysia

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

Objective(s):

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

Intervention(s):

Asian perspective:

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

Middle East perspective:

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

Discussion:

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

Conclusion(s):

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

Linkage to ExCom

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

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

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

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

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

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

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

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

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

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

Closing Address

22. Ruud Lubbers, UN High Commissioner for Refugees

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

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

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

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

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

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

Annexes

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

Annex I

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

Tuesday, 28 September 2004

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

Room XVII *Welcome from*

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

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

Room XVII *Opening Address by*

Kamel Morjane, Assistant High Commissioner for Refugees

16h30 – 18h00 Regional Sessions

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

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

Moderator: Damaso Feci, INTERSOS

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

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

Room XXIV *Asia and the Pacific Bureau*

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

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

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

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

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

Wednesday, 29 September 2004

10h00 – 11h20 Regional Sessions

Room XXI *Africa Bureau*

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

Moderator: Terry Ishabairu, Tanganyika Christian Refugee Service

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

David Kapyra, Deputy Director, Sudan Operation, UNHCR

Room XXIV Americas Bureau

(Interpretation: English-French-Spanish)

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

Moderator: Mahmoud Sayani, FOCUS Humanitarian Assistance

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

Manuel Jordao, Senior Protection Officer, UNHCR

Jozef Merkx, Senior Desk Officer, Desk II, UNHCR

Peter Wijninga, Senior Desk Officer, Desk I, UNHCR

Room XXV Europe Bureau

(Interpretation: English-French-Russian-Spanish)

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

Moderator: Andras Kovats, Menedék – Hungarian Association for Migrants

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

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

Robert Robinson, Deputy Director (Eastern Europe), UNHCR

11h30 – 13h00 Working Sessions (interpretation: English-French-Spanish)**Room XXI Towards a Mediterranean Strategy**

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

Moderator: Ed Schenkenberg, International Council of Voluntary Agencies

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

Erika Feller, Director, Department of International Protection, UNHCR

Room XXIV HIV/AIDS: Conflict and displaced persons

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

Moderator: Paul Spiegel, Technical Support Section, UNHCR

Speaker(s): Milton Amayun, World Vision International

Brenda Goddard, Protection Policy & Legal Advice Section, UNHCR

Julian Lambert, Department for International Development

Room XXV Security Management: From paper to practice

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

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

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

Michael O'Neill, InterAction

13h00 – 15h00 Lunch**15h00 – 16h20 Working Sessions** (interpretation: English-French-Spanish)

Room XXI *IDP Protection: Putting theory to practice*

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

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

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

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

Marc Vincent, Office for the Coordination of Humanitarian Affairs

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

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

Moderator: Mariette Grange, International Catholic Migration Commission

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

Caroline Inrand, CIMADE

Melanie Teff, Jesuit Refugee Service

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

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

Moderator: Christine Bloch, Jesuit Refugee Service

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

Eva Abu Halaweh, MIZAN

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

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

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

Room XXI *Protecting refugees through education*

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

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

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

Tom Delrue, The Foundation for the Refugee Education Trust

Beatrice Kangbai, Forum for African Women Educationalists

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

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

Moderator: Margaret Piper, Refugee Council of Australia

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

Sajjad Malik, Reintegration & Local Settlement Section, UNHCR

Merrill Smith, US Committee for Refugees

Room XXV *Building NGO Capacities*

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

initiatives from Central Europe.

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

Thursday, 30 September 2004

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

Room XVII *NGO Perspectives*

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

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

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

Room XVII *Linkage to ExCom*

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

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

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

Room XVII *Closing Address by*

Ruud Lubbers, UN High Commissioner for Refugees

Annex II

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Annex III

MEETINGS IN THE MARGINS OF THE NGO CONSULTATIONS

Wednesday, 29 September 2004

09h00 – 10h00 Room XXI

Building Safer Organizations: Supporting the development of NGO Capacity to respond to allegations of staff misconduct

Katharina Samara, UNHCR; Ed Schenkenberg, ICVA; Jane Warburton, IRC; NSPCC

Discussion about an ongoing inter-agency project to support and strengthen the capacity of agencies to investigate and follow-up on allegations of staff misconduct. The project involves the development of training materials and a handbook on how to carry out investigations into allegations of abuse and exploitation.

09h00 – 10h00 Room XXIV

Women at Risk – a major protection issue

Asian Women's Human Rights Council; Centre for Refugee Research;
Refugee Consortium of Kenya; UNSW

It is sometimes argued that it is difficult to fill the Women at Risk resettlement quota category because it is difficult to define what is meant by the term "Women at Risk". This session will present research conducted in Kakuma Camp, Kenya and on the Thai-Burma border, which examines the compounding effect of multiple risk factors and failures of international protection on the vulnerability of women to future violence and exploitation.

09h00 – 10h00 Room XXV

The Crisis in Refugee Status Determination in the Global 'South' – The role of UNHCR

Zachary Lomo, Refugee Law Project; Samira Trad, Frontiers Centre

UNHCR has responsibility in more than 60 countries. Its standards fail to live up to the high standards it recommends to governments in the North. The purpose of this meeting is to draw attention to the crisis and discuss possible remedies.

09h00 – 10h00 Room E3001

Belonging is a Feeling

Peter Cotton, RMS Refugee Resettlement

This inter-active workshop explores *the realities* of resettlement in a new country and culture. It examines the challenges faced by refugees as they struggle to gain a "sense of belonging" in a new land. It highlights the importance of public education and explains the vital role played by hundreds of *RMS-trained volunteers* in receiving communities throughout the country. A great opportunity for those of us involved in resettlement to share experiences, ideas and resources.

09h00 – 10h00 Room E3005

Partnerships for innovation in refugee health: MENTOR evaluation of Insecticide-treated plastic sheeting for malaria control, Sierra Leone

Matt Burns and Arlyne Beeche, MENTOR-JHU, Johns Hopkins University

Malaria remains the most important cause of illness and death in refugee settings in malaria endemic areas. During this panel presentation, participants will discuss partnerships for improving

malaria control in refugee settings, with a particular focus on innovative approaches to malaria control. Field staff from MENTOR JHU will present key crude trends from the MENTOR-JHU evaluation of insecticide treated plastic sheeting.

Wednesday, 29 September 2004

13h15 – 14h45 Room XXI

Enhancing the quality of camp life

Nina M. Birkeland, Norwegian Refugee Council; Dale Buscher, UNHCR;
Petre Storstein, Norwegian Refugee Council

Covering tools for field staff including camp management, camp security, refugee participation, gender-based violence, and camp services and protection challenges. The *Camp Management Toolkit* and *Operational Protection: a reference guide for camp settings* will also be discussed.

13h15 – 14h45 Room XXIV

Processes for planning future meetings of the Annual Consultations with NGOs

Canadian Council for Refugees; Refugee Council USA

The purpose of the meeting is to explore ways to facilitate future planning processes so that the best possible use can be made of the annual opportunity for NGOs and UNHCR to meet at the Annual Consultations, responding to the diverse needs and perspectives of NGOs.

13h15 – 14h45 Room XXV

Resettlement as a protection measure – service needs in receiving countries with a focus on refugee children

Australian National Committee on Refugee Women;
Women's International League for Peace and Freedom

As an increasing number of refugees are resettled from protracted refugee situations to developed countries, some quite serious problems are emerging for families in the settlement phase.

Unaccompanied minors and children who have survived trauma are particularly at risk. This session will explore some good practice in developed countries and some of the problems, which are beginning to be identified.

13h15 – 14h45 Room E3001

Take the fuss out of donor reporting and planning

Olivia Cosgrove, Alibi

A demonstration of a software package prepares robust Budgets and Donor Reports efficiently, leading to enhanced accountability.

13h15 – 14h45 Room E3005

Quality assurance applied to humanitarian action: The Quality COMPASS

Véronique de Geogroy, Groupe URD; François Grunewald, Groupe URD

Presentation of a tool currently being developed for quality management in humanitarian action.

Thursday, 30 September 2004

09h00 – 10h00 Room XVII

In pursuit of durable solutions – What happens until one is found

Church World Service; FilmAid International

What is the best way to communicate an HIV/AIDS message to 33,000 at once? FilmAid International uses the power of film to promote health, strengthen communities and educate, entertain and inspire those waiting for a durable solution to be found for them. CSW/FAI partnership in the Kibondo Region of Tanzania has given refugees something to do in the evening, something to talk about and has found that communicating health messages over the big screen can be extremely effective.

09h00 – 10h00 Room XXI

Briefing on UNHCR's Operations in Chad and Sudan

Jean-Marie Fakhouri, UNHCR

An informal briefing from UNHCR's newly appointed Director of the Sudan Situation, which will focus on operations in Eastern Chad and the Darfur region in Sudan.

09h00 – 10h00 Room XXIV

Gender-Related Persecution in European National Legislation and Practice

Heaven Crawley, AMRE Consulting; Bo Schack, Bureau for Europe, UNHCR;
Nick Summers, Canadian Council for Refugees

The session will present and discuss the findings of a comparative analysis, led by Dr Heaven Crawley, of gender-related persecution in European national legislation and practice.

09h00 – 10h00 Room XXV

The campaign against Refugee Warehousing: Moving forward

Merrill Smith, US Committee for Refugees; James Thomson, National Council of Churches in Australia;
Judy Wakahiu, Refugee Consortium of Kenya

Of the 12 million refugees in the world, 7 million have been warehoused – confined to camps, segregated settlements or otherwise deprived of basic rights – for 10 years or more. The 1951 Refugee Convention sets forth a bill of rights for refugees in exile backed up by other human rights instruments but their implementation has been woefully inadequate. It's time to move beyond platitudes and on to specific measures that justly apportion responsibility and get results for refugees.

09h00 – 10h00 Room E3005

Communicating refugee and IDP issues through A World Refugee Map

Desmond Spruijt, Mapping Worlds

The map will show the international distribution of people who were forced or conflict induced to flee their region. The World Map compares countries and gives the user an awareness of the magnitude of the problem in some regions. It also combines refugees and IDPs, thus bypassing formal differences.

Annex IV

PRESENTATION DU RAPPORT DES CONSULTATIONS ANNUELLES AVEC LES ONG AU COMITE EXECUTIF

MAMDOU NDIAYE, RAPPORTEUR FOR THE NGO CONSULTATIONS
7 OCTOBRE 2004

Monsieur le Président,

Statistiques

330 participants présents soit 110 de plus que l'année dernière

220 organisations représentées

80 pays représentés

Une plus grande présence des ONG du sud dont le nombre a doublé cette année plus de 40 représentants.

Les rencontres

5 sessions régionales

9 groupes de travail thématiques

15 réunions informelles

Au total 29 rencontres organisées en 2 jours et demi avec une bonne participation.

Les sessions ont duré en moyenne 90 minutes

Les sessions régionales avaient pour but de faire le point, à travers un dialogue franc, sur les défis, préoccupations et problèmes dans les régions.

Les groupes de travail thématiques ont permis aux participants de poser des questions, de partager des informations, d'envisager des actions communes ou des projets futurs.

Points de discussion des groupes thématiques

La session sur la **Stratégie en Méditerranée** a abordé la question des demandeurs d'asiles et des migrants qui tentent d'entrer en Europe par la route maritime.

Le VIH/SIDA avait pour but de partager des informations sur les risques d'infections auxquelles les populations réfugiées sont exposées en le mettant dans le contexte de la migration forcée.

La session sur **La gestion de la sécurité** avait pour but d'exposer certains modèles de coordination en matière de sécurité dans des environnements différents.

La rencontre sur **La protection des personnes déplacées** a présenté les nouveaux développements sur les politiques de IASC et a permis de discuter sur le rôle que pourra jouer les ONG dans l'opérationnalisation de ces politiques.

La détention des demandeurs d'asiles est une préoccupation pour les défenseurs des demandeurs d'asile. Cette session vise à mettre en place une coalition pour échanger des informations, à promouvoir l'usage des droits de l'homme qui sont valables aussi pour les demandeurs d'asile. La détention semble aujourd'hui être un moyen de gestion des flux migratoires.

Les défis qui touchent **les personnes âgées et le genre** ont été abordés avec une attention particulière pour les zones urbaines. Des échanges et une collaboration des partenaires est recherchée pour améliorer les conditions de ces personnes.

La protection des réfugiés par l'éducation a démontré que l'éducation est un droit de l'homme. Des exemples de terrains qui montrent comment l'éducation est un outil de protection pour les réfugiés.

La situation des réfugiés de longue durée: Il y a environ 40 situations de réfugiés de longue durée dans le monde. Ce thème a discuté du traitement réservé aux réfugiés de longue durée. Elle a tenté d'indiquer des directions pour un traitement correct de ces cas. Elle a passé en revue un certain nombre de solutions et les perspectives pour améliorer leurs conditions.

Le renforcement des capacités des ONG: A travers l'expérience de renforcement des capacités des communautés de réfugiés en Europe Centrale, cette session vise à partager les expériences vécues avec les autres ONG sur le renforcement des capacités dans leurs opérations et le développement d'un partenariat.

Points forts des sessions régionales

Des préoccupations sur **la protection des réfugiés** ont été notés. Une protection qualitative des réfugiés est toujours à l'ordre du jour.

Concernant **le rapatriement des réfugiés**, les participants ont insisté sur le caractère volontaire que doit avoir tout rapatriement.

La discussion sur **le retour des réfugiés** a tourné autour des conditions acceptables dans les zones de retour en vue de favoriser une bonne réintégration des réfugiés.

La sécurité reste une préoccupation pour tous. Elle risque d'être une préoccupation pour les années à venir. Il a été noté que la militarisation et la politisation de l'action humanitaire ne favorisent pas la sécurité des acteurs humanitaires.

Le partenariat n'est pas encore ancré dans la culture, même si l'on constate des avancées dans les relations ONG/HCR.

Le Dialogue avec les réfugiés est nécessaire pour identifier les problèmes de protection et la meilleure façon de les prendre en charge.

La question **des personnes déplacées** reste une préoccupation en terme de protection, de mandat et de responsabilité.

Le renforcement des capacités est indispensable pour assurer un service de qualité. Ce renforcement devra se faire en direction des ONG partenaires mais aussi en direction des communautés de réfugiés. L'utilisation des compétences des réfugiés est devenue une nécessité pour une bonne intégration.

Les ressources financières: Plusieurs sessions ont soulevé la faiblesse des ressources mises à la disposition du HCR pour assurer une protection des réfugiés. La planification du HCR devrait se faire à partir des besoins et non à partir des ressources disponibles pour assurer une protection des réfugiés.

Les zones de transit: Des échanges ont eu lieu sur les tentatives de pays Européens de créer des zones de traitement des dossiers des demandeurs d'asile dans des pays tiers. Ces tentatives sont considérées comme des pas en arrière dans l'application de la convention de 51 et de l'engagement pris par les Etats pour sa mise en œuvre.

La détention des demandeurs d'asile: Cet outil semble être aujourd'hui un moyen de contrôle de l'immigration. C'est une préoccupation majeure pour les défenseurs des réfugiés. La mise sur pied d'une coalition est en discussion pour mieux faire face à ce phénomène.

Le genre et les personnes âgées: Une collaboration entre partenaires est souhaitée pour assurer un service de qualité en direction de ce groupe. A la lumière des expériences en Jordanie et en Syrie, les zones urbaines doivent faire l'objet d'une grande attention.

L'éducation est un outil important de protection des réfugiés et de la communauté. Une attention particulière doit être donnée dans les programmes de rapatriement et dans les situations de post conflit.

Nouveaux défis: Dans un monde changeant, le HCR comme les ONG doivent trouver les moyens de garder leurs personnalités respectives pour ne pas entrer dans le jeu politique qui peut, où risque d'affaiblir l'action humanitaire. Cela passe aussi par une bonne santé financière.

La dernière session a abordé **la perspective des ONG nationales travaillant dans la scène humanitaire internationale**. La session a constaté le conflit entre les valeurs occidentales et les valeurs locales dans la mise en oeuvre de l'action humanitaire dans certains pays du sud. L'approche souhaitée est de prendre en considération les valeurs locales.

Points forts du Pre-ExCom 2004

La qualité de la participation des ONG a été notée ainsi que la participation du HCR et la disponibilité de son personnel. Les sessions ont été vivantes, avec beaucoup d'échanges entre les participants.

Points faibles du Pre-ExCom 2004

L'agenda du Pre-ExCom n'a pas permis de prendre en compte tous les sujets que les ONG voulaient voir à l'ordre du jour et certains ont trouvé que le temps réservé aux sessions était insuffisant. Néanmoins les ONG ont profité du temps libre pour organiser des rencontres informelles pour aborder des sujets non couverts.

J'aimerais, au nom des ONG présentes, remercier l'Unité de Liaison avec les ONG du HCR et ICVA pour le travail accompli.

J'aimerais pour terminer remercier tous les participants pour leurs contributions aux travaux de ce Pre-ExCom 2004.

Annex V

STATEMENT OF NGOS TO THE GENERAL DEBATE

55TH SESSION OF EXCOM : 4-8 OCTOBER 2004

Mr. Chairman,

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

As UNHCR's partners, we first wish to express our appreciation for being able to address this session of EXCOM. We would like to pay tribute to outgoing Ambassador Jean-Marc Boulgaris and Rapporteur Laura Joyce for their inclusion of, and interaction with, NGOs throughout the year. We look forward to continuing this fruitful relationship with the new Bureau and EXCOM.

The European Solution?

NGOs condemn the recent deportations of hundreds of asylum-seekers from the Italian island of Lampedusa to Libya. Such an action could amount to collective expulsion and could be a violation of the right of these people to seek and enjoy asylum.

While we agree that economic reasons are not within the ambit of the 1951 Convention as a basis for seeking asylum, these deportations and possible *refoulement* are of particular concern given Libya's record of detaining and refouling refugees and of deporting migrants. The European Court of Human Rights has consistently ruled that the principle of *non-refoulement* prevents removal to a country where an individual may be at risk of persecution. As the Court has ruled, this principle also prevents removal to a country from which a person may subsequently be removed to a third country where they could face persecution.

NGOs are alarmed by recent loose plans, proposed by a number of European governments, to effectively cordon off the Mediterranean to prevent asylum-seekers and migrants from reaching Europe's borders. We understand that these plans also foresee these people being kept in processing centres (i.e. camps) in North Africa. Similar plans are being made in other contexts than the so-called Mediterranean approach. We understand that, fortunately, the Ukrainian government has not agreed to plans from other European governments to "offload" Chechens by holding them and processing them in camps in the Ukraine.

Such policies severely undermine the refugee protection regime, in particular the 1951 Refugee Convention, and are in flagrant contradiction of the well-recognised international principles of responsibility-sharing and solidarity.

States should also keep in mind the costs associated with such off-shore plans. The decision by Australia to process asylum-seekers in the Pacific has resulted in each application costing an estimated five times what it would cost if the application was assessed in Australia: approximately USD 180,000 compared to about USD 36,000.

Interception/Interdiction

The policies and practices to "manage migration," however, are not exclusive to Europe. NGOs are concerned that many governments have resorted to numerous interception and interdiction measures, without the concurrent sufficient safeguards to assess protection needs and ensure refugee protection, including *non-refoulement*.

Effective protection

The desire of many governments to keep refugees and asylum seekers in their regions of origin,” has also given rise to the debate of what constitutes effective protection.

As we gather here in Geneva, the large majority of refugees are facing insecurity, poverty, and discrimination. They continue to be crowded into unsafe and unsanitary camps and are unable to enjoy fundamental economic, social and cultural rights, and durable solutions are not easily found. At the same time, asylum-seekers continue to be denied access to territory and refugee status determination procedures.

If we agree that we must locate any discussion about “effective protection” in this context, we will understand the formidable task of the international community to provide quality protection in the foreseeable future. As a starting point, refugees should enjoy all the rights enshrined in the 1951 Refugee Convention, especially those related to their ability to earn a livelihood and move freely. Effective or quality protection requires the fulfilment of the various elements of protection, firmly grounded in international human rights standards, and where the dignity of the individual human being is an essential component. It should be linked to the search for, and delivery of, durable solutions.

Of particular concern are refugee women who often experience multiple incidents of sexual and gender based violence, leaving them extremely vulnerable. Sadly the international protection system often fails to respond to the needs of these women.

Impact of counter-terrorist measures on asylum seekers

The ongoing campaign against terrorism has seriously undermined the respect for international law, in particular human rights and refugee law, at a time when it most needs to be upheld.

In many cases, governments have opportunistically seized upon the fight against terrorism to justify sweeping, arbitrary, and disproportionate measures against non-citizens, including refugees and asylum-seekers. In addition to individual cases of *refoulement* and the violation of refugee law by a number of governments, such measures have included prolonged arbitrary detention of foreign nationals, in some cases constituting blanket detention of asylum-seekers coming from certain countries; summary expulsions; and failure to respect the right to due process guarantees in asylum-processes. These counter-terrorist measures are often discriminatory in nature and disproportionately affect non-citizens from particular countries.

The above measures constitute a flagrant violation of states’ obligations under international law, in particular human rights and refugee law. Refugees and asylum-seekers must no longer be a casualty of the campaign against terrorism.

Humanitarian Context

NGOs understand UNHCR’s commitment, as a UN agency, to integrated UN missions. However, being partners of the UN, we are concerned about the increase in the number of integrated UN missions, as these missions seem to have contributed to a further blurring of the lines between the humanitarian and military and political arms of the international system. NGOs are particularly concerned about the potential wedge that integrated missions may drive between UN and non-UN agencies because of the lack of distinction between humanitarian action and the broader political drive.

We urge that governments take into consideration the impact that their militaries undertaking “humanitarian” work can have on real humanitarian workers. This so-called humanitarian role of militaries is further blurring the lines and contributing to increased insecurity.

IDPs/Darfur

The question of the trigger for UNHCR’s responsibility in an IDP response continues to be an unanswered one. Despite various policy documents issued by UNHCR, it still seems that the

decision of UNHCR to get involved in an IDP situation remains an ad hoc one. We welcome, however, UNHCR's commitment to the inter-agency process to put in place procedures related to the collaborative approach. The severe lack of consultation in assigning operational responsibility to IOM for the IDPs in Darfur is one that we hope will not be repeated in future situations.

Given UNHCR's protection experience and expertise, UNHCR should have been more pro-active in encouraging the international community to operationalize protection for IDPs in Darfur at an earlier date. UNHCR should also have been more forthcoming in terms of providing protection officers in Darfur. We believe that such a proactive role could potentially have avoided that a non-protection agency, IOM, was handed a protection role by the Government of Sudan. In this respect, we welcome the views and efforts of a number of humanitarian agencies and others to find other ways to ensure protection for IDPs in Darfur. Such an approach is a welcome alternative to the MoU between the Government of Sudan and IOM.

Food Security

NGOs welcome the focus of this session of EXCOM on food security and the dialogue with WFP. We hope that concrete steps to improve the provision and distribution of food will also be part of this continuing process.

The severe and long-lasting physical, mental, and psycho-social consequences of denial of fundamental human rights of displaced persons – including the right to food – urgently need to be addressed.

We also note the crucial aspect of food security in sustainable repatriation movements. Inadequate and inequitable food allowances for returnees jeopardise the sustainability of returns and fail to take into account the time required for allowing returnees to become self-sufficient.

We oppose any reductions in rations as a push factor for refugee returns. These reductions, witnessed in several countries, seriously affect the well-being of refugees and runs counter to the concept of voluntary repatriation.

Urban Refugees

Many urban refugees do not enjoy access to a legal status or to basic economic, social, and cultural rights, such as the right to work or to adequate housing. Many urban refugees around the world fall into a "protection gap" and are thereby rendered invisible to the international community. Unaccompanied minors living in urban areas face specific problems; they are particularly vulnerable to abuse. Urban refugee women face problems of sexual and gender based violence, are often forced into prostitution, or fall prey to traffickers. In many cases, they lack access to UNHCR offices. A large number of refugees arrive in urban areas as onward movers in search of effective protection where many fall into a downward spiral of abuse and exploitation due to these gaps in protection. In many cases, inadequacies in refugee status determination procedures further increase the vulnerability of urban refugees.

NGOs call on states to commit to respecting and protecting the rights of all urban refugees on their territories, with specific attention being paid to particularly vulnerable refugees, including women, children, and the elderly. UNHCR should make public, and actively implement in the field, its policy document of "guiding principles and good practices" in relation to urban refugees.

Refugee Women and Children

In conflict situations around the world, women and children continue to experience gross human rights violations including, rape, sexual torture, forced labour, forced portering, and abduction as child soldiers. Recent reports from a number of conflict situations, including Sudan and Burma, highlight the ongoing strategic use of rape and sexual violence by the military against women and children in civilian populations. It is essential that the physical and psychological impact of these human rights violations on women and children be recognised and addressed through the provision

of effective protection including access to food, shelter, health, and education, as well as appropriate psychosocial services in countries of asylum.

Sadly, these human rights violations often do not cease once they have reached sites of so-called safety in refugee camps or urban areas in countries of first asylum. The protection of refugee women is a core activity of UNHCR policy. Effective strategies to address violence against women and girls must be realised in consultation with countries of origin, host countries, resettlement countries, and the refugee women themselves. States and UNHCR must ensure that women, who are refugees, and those in other emergency humanitarian situations, are protected from acts of violence, including sexual violence, rape and abuse. They must also ensure appropriate methods of recourse for victims, based on human rights principles, through the prosecution of the perpetrators of such acts of violence. In addition, UNHCR should be supported to fully implement its guidelines on the protection of refugee women and children.

Gender and Age Mainstreaming

Despite the commitment to gender and age mainstreaming we are again disappointed to see the lack of reporting on this issue in the regional reports. We are particularly concerned with the lack of reporting on refugee children. These refugee groups are again becoming invisible in our deliberations. We urge that the particular focus, on a biannual basis, respectively on refugee women and refugee children be taken up again.

The pilot projects on gender and age mainstreaming are a positive development in exploring very concrete and practical ways of gender and age mainstreaming. The reports from NGOs involved in the pilot projects show that a community development approach with full participation of refugees is key to improving protection of refugee women and children. The pilot projects show that we are beginning to make, in some places, progress in the implementation of the HC's commitments to refugee women. However, we are not nearly as successful in implementing the priority areas for refugee children – namely, education, separated children, child soldiers, prevention of sexual exploitation, and special needs of adolescents.

If we want to offer refugee children and youth a positive option for the future, more attention will have to be given to education for refugees: not only primary education, but also secondary and tertiary education. Education for refugees – be it formal, informal, or vocational training – is imperative if we want to avoid refugees, returnees, or IDPs becoming a social and economic burden for the host or home country.

Resettlement

NGOs welcome the current positive debates around increasing the use of resettlement as a protection tool. We welcome the initiative of states in expanding their resettlement programmes, in particular the initiative of European Union countries to develop an EU wide resettlement scheme, but emphasise that this must not replace states' obligations to asylum-seekers arriving in their countries. We also stress the need for a more significant expansion of resettlement opportunities. UNHCR needs to match this interest and commitment by states by ensuring that its resettlement section is able to adequately respond.

We must ensure that the method of selection of refugees for resettlement as part of any comprehensive plans of action or group resettlements, does not result in the creation of a 'residual caseload' of the most vulnerable refugees, as happened in the implementation of the Comprehensive Plan of Action for Indochinese refugees. This residual caseload included many women and children who were at extreme risk, people with disabilities, people with low educational attainment, and the elderly. Resettlement should be founded on the principle of resettling those in greatest need of protection and should not be used to select refugees according to 'integration criteria,' labour market needs of resettlement states, or other non-protection criteria.

Moreover, resettlement should not be used as a substitute for a state's obligation towards refugees. We would recommend a rethinking of the women at risk concept to ensure that resettlement is truly an effective protection tool for refugee women.

We note that resettlement is a continuing process and that, in the past, and in some current situations, the failure to provide adequate and appropriate services in resettlement countries has led to refugees experiencing problems in resettlement and integration, and resentment from host populations.

Cartagena Declaration

Finally, we would like to welcome the commemoration of the 20th anniversary of the Cartagena Declaration on Refugees of 1984. The initiative has provided a unique forum for states, experts, and civil society to analyse current challenges for refugee protection in Latin America and to propose actions to better respond to the humanitarian needs of refugees in the region. The plan of action, to be adopted at the commemorative event in Mexico City in November, should bring benefits to refugees and other persons in need of international protection by ensuring visibility and effective protection to hundreds of thousands of Colombians in countries in the Andean region and beyond, whose needs remain largely ignored by the international community.

Thank you.

Annex VI

STATEMENT OF NGOS ON INTERNATIONAL PROTECTION

55TH SESSION OF EXCOM : 4-8 OCTOBER 2004

Mr. Chairman,

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

During the June Standing Committee, NGOs expressed the view that the Note on International Protection provides a “health check” on the state of protection of refugees and others of concern to UNHCR. The Note this year gave attention to the broad scope of protection and also focused on the protection partnerships between NGOs and UNHCR that can greatly enhance refugee protection. We are pleased to see the commitments to protection partnerships moving forward.

Instead of commenting on this year’s draft Conclusions, NGOs would like to express our appreciation for the *Draft Decision on Working Methods of the Executive Committee of the High Commissioner’s Programme and its Standing Committee, including on NGO Observer participation in the work of the Committees* and the role that NGOs should be able to play in the EXCOM Conclusions process next year. We look forward to being able to bring our direct experience of working with refugees to the table in order to contribute to the Conclusions that can help to improve refugee protection.

Responsibility-Sharing and Ensuring the Fulfilment of Refugee Rights

We are very much aware of the disproportionate burdens borne by developing countries hosting large populations of refugees and asylum-seekers. Wealthier states should play a greater role in responsibility-sharing by more generously supporting developing countries in ensuring that refugees enjoy the rights granted by the 1951 Convention and other international human rights instruments. We are particularly concerned by the current lack of basic rights seen in many refugee situations, resulting in, *inter alia*, the inadequate provision of food rations, education, health care, shelter, as well as the denial of the right to earn a livelihood. We note, in this respect, that in South Africa, despite considerable socio-economic challenges for South Africans, asylum-seekers are able to work and attend school while their applications are being considered.

Palestinians

NGOs reaffirm that protection is the primary responsibility of states. NGOs wish to draw the Executive Committee’s attention to the ongoing plight of millions of forcibly displaced Palestinians. Their situation is unique amongst forcibly displaced persons, as millions of them fall into a protection gap with no access to any form of international protection. In this regard, we call upon UNHCR and governments to ensure protection under the 1951 Convention to Palestinian asylum-seekers, in light of Article 1D.¹ We also support efforts of the Council of Europe² and a growing number of states to give effect to this recommendation.

Resettlement

NGOs concur with UNHCR’s recognition that there are multiple dimensions in finding a durable solution and we welcome some states’ efforts to grant permanent residence to refugees. NGOs also support UNHCR’s recommendation that resettlement be more strategically addressed and we

¹ *Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian refugees*, UNHCR, October 2001.

² Council of Europe Parliamentary Assembly, *Situation of Palestinian Refugees*, Recommendations 1612 (2003).

call for the initiation of consultations on the determination of caseloads so that the Multilateral Framework of Understandings on Resettlement can be implemented. The work done by this strand of the Convention Plus process must be seized upon as a means of seeking durable solutions for some groups of refugees.

Detention

Of grave concern to us is the increased use of detention in order to deny entry and asylum, including by countries such as Canada, the US, and Australia. This year's *Note on International Protection* delineates UNHCR's concern at state policies of arbitrary and/or widespread detention of asylum-seekers. The practice of detaining refugees and asylum-seekers, including as a deterrence measure, is another worrying indication that effective protection remains out of the reach of many persons entitled to international protection. While UNHCR guidelines state explicitly that in the view of UNHCR, the detention of asylum-seekers is "inherently undesirable" and that "[a]s a general principle asylum-seekers should not be detained," state practice is considerably different in many places in the world. The rights to liberty and freedom from arbitrary detention have been a core element of formal human rights standards since they were enshrined in Articles 3 and 9 of the 1948 Universal Declaration of Human Rights. Subsequent international standards, notably the International Covenant on Civil and Political Rights, recognise that the right to liberty is linked to freedom from arbitrary detention. Detention as a policy tool undermines the 1951 Convention, particularly its Article 31, and EXCOM Conclusion 44.

Refugee Status Determination

Further, while recognising the important role played by UNHCR in asylum determination procedures in many countries worldwide, NGOs have concerns that some of UNHCR's refugee status determination (RSD) practices in some countries in Africa, the Middle East, and Asia do not always meet the standards of fairness to which UNHCR urges states to adhere. This includes the use of secret evidence; failure to provide reasons for rejection to unsuccessful applicants; the lack of independent appeals processes; denial of the right to legal counsel; and the use of untrained interpreters. NGOs feel UNHCR's role in RSD can potentially compromise the organization's mandate to protect refugees and reiterate that refugee status determination is the responsibility of states. UNHCR should not see its role in RSD as a substitute for government-run procedures. UNHCR should make it a priority that governments take over these activities and build their capacity to do so. We call on UNHCR to initiate public consultations on the new draft refugee status determination procedures.

Statelessness

Statelessness remains a problem that is so invisible that even the approximate number of stateless persons is not known. What is known is that many stateless persons face daily obstacles to the enjoyment of their human rights because they do not come within the state protection system. We call on EXCOM to encourage those states that are not yet parties to ratify either or both the relevant Conventions on statelessness (the 1954 Convention on the Reduction of Stateless and the 1961 Convention relating to the Status of Stateless Persons). All states should ensure that they have mechanisms in place to enable them to apply these Conventions, including to identify stateless persons on their territory and to seek assistance from UNHCR where they need help in doing so. UNHCR should also take a more active role in assisting states to establish appropriate arrangements to identify and address statelessness, as well as to resolve individual cases, with particular attention to the problems faced by stateless women and girls.

Protection Partnerships

NGOs highlight the importance of protection partnerships, which enhance the protection of refugees and asylum-seekers when UNHCR and NGOs work together. This partnership is as important in the sphere of advocacy, as it is in the operational arena. UNHCR's recent directive to all Representatives to hold regular protection consultations with all relevant NGOs is a particularly welcome step. We look forward to seeing this directive implemented on the ground and hope that UNHCR will be sensitive to the challenges facing many NGOs and refugee advocates in countries

with a problematic record of upholding the basic rights of its citizens and others on its territory, such as the right to freedom of association and expression. We also call on UNHCR to closely monitor, together with NGOs in the context of protection partnerships, that all states hosting refugees comply with the provisions of the 1951 Refugee Convention.

The Importance of Information

Finally, we would like to reiterate the importance the NGO community attaches to receiving information on countries of origin, as well as relevant guidelines from UNHCR. This information is a crucial part of delivering protection and we rely on regular public domain updates that are made accessible both through UNHCR's website and RefWorld CDROMs.

Thank you.

Annex VII

STATEMENT OF NGOS ON THE WORKING METHODS OF THE EXECUTIVE COMMITTEE

55TH SESSION OF EXCOM : 4-8 OCTOBER 2004

Mr. Chairman,

We would like to express, once again, our appreciation of the consultations that took place this year on the *Draft Decision on Working Methods of the Executive Committee of the High Commissioner's Programme and its Standing Committee, including on NGO Observer participation in the work of the Committees*. The consultations convened by Ambassador Boulgaris, Chair of EXCOM, allowed for an open exchange of ideas to improve the working methods of EXCOM and Standing Committee. We hope that the new Bureau will continue this inclusive process.

While we had hoped that the attempts to allow operational and implementing partners to participate as observers in these bodies would be adopted, we look forward to the discussions around the issue in two years' time. We also look forward to similar consultations with the EXCOM, facilitated by the Bureau, in order to ensure that we can have a more fruitful decision at the 57th Session of EXCOM. We appreciate the interventions made by several states on this matter.

We would like to reiterate the position expressed during the consultations process on the draft decision. NGOs have an interest in participating in EXCOM and its Standing Committee because we work so closely with refugees. Our interest is in contributing to better refugee protection and we welcome the ability to contribute more NGO statements in the future.

We are very pleased to see that there is the possibility for NGOs to contribute to the EXCOM Conclusions process in the future. We look forward to bringing our experience and expertise to the table next year.

Thank you.

Annex VIII

**STATEMENT OF NGOS ON EVALUATION AND INSPECTION
ACTIVITIES**

55TH SESSION OF EXCOM : 4-8 OCTOBER 2004

Mr. Chairman,

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

Internal oversight mechanisms play a critical role in ensuring that UNHCR is able to fulfil its international protection mandate in all operations. They can enhance the capacity of all UNHCR staff to carry out their responsibilities and can work to strengthen management accountability. In this regard, the NGO community welcomes the reports on the activities of the Office of the Inspector General³ and the Evaluation and Policy Analysis Unit (EPAU).⁴

In relation to evaluation and policy analysis, NGOs appreciate the efforts of EPAU to involve the NGO community in its activities, such as through joint evaluations, training, and participation in the Follow-Up Steering Committee on the three evaluations on refugee women, refugee children, and the community services function.

This close cooperation has been in place for several years. More particularly, NGOs actively participated in EPAU's comprehensive review of UNHCR's 1997 policy on refugees in urban areas, and contributed to the development of draft *Guiding Principles and Good Practices on Protection, Solutions and Assistance for Refugees in Urban Areas*. However, we are extremely concerned that these draft *Guiding Principles and Good Practices* have not yet been adopted by UNHCR. We are also concerned at the sometimes long periods of time that it takes to release reports.

As highlighted in a number of NGO interventions, asylum-seekers and refugee women, men, girls, and boys living in urban areas continue to be subject to a wide range of abuses and are often without any access to protection. In particular, they are at risk of arbitrary detention, *refoulement*, physical insecurity, sexual and gender-based violence, and a lack of legal status. They are routinely denied access to fundamental economic, social, and cultural rights. We feel that the adoption of the *Guiding Principles and Good Practices* in relation to urban refugees would help UNHCR more consistently, coherently, and effectively address these serious concerns.

The report of the Evaluation and Policy Analysis Unit notes that the Unit maintains a strong focus on protection in the selection of evaluation topics.⁵ In this respect, we would be interested to learn when the previously planned evaluation on protection staffing will take place.

Furthermore, we would like to strongly recommend, as was suggested at a previous session of the Executive Committee, that an independent evaluation be carried out on UNHCR's refugee status determination (RSD) activities. As noted in our statement on International Protection to EXCOM, we are concerned that UNHCR's role in RSD can potentially compromise the organization's

³ UNHCR, "Report on UNHCR's Inspection and Investigation Activities," A/AC.96/993, 29 July 2004.

⁴ UNHCR, "Evaluation and Policy Analysis: UNHCR's Plans and Activities," A/AC.96/994, 29 July 2004,

⁵ UNHCR, "Evaluation and Policy Analysis: UNHCR's Plans and Activities," A/AC.96/994, 29 July 2004, para.22.

mandate to protect refugees. UNHCR currently conducts RSD in more than 60 countries and more than half of these are parties to the 1951 Convention.

We would suggest that such an independent global evaluation be carried out by a team that includes international human rights lawyers, international and national NGOs working on refugee issues, academics, and legal aid practitioners. The issues that should be examined in the evaluation include an inventory of the RSD procedures that are applied in each UNHCR field office, with an examination of the possible solutions to the political, financial, and human resource constraints that contribute to RSD procedures that do not fulfil practices advocated by UNHCR. The evaluation should recommend rights-based RSD procedures to be followed consistently by all field protection officers with a mechanism to ensure their implementation.

NGOs would be interested to learn of the processes that have been put in place to follow-up on recommendations of evaluations, such as the *Report on Enhancing UNHCR's Capacity to Monitor the Protection and Well-Being of Refugees*. While the establishment of a database to compile and catalogue recommendations is a good idea, we would appreciate information on how, at the current time, conclusions and recommendations in evaluations are being incorporated into UNHCR's policies and operations, and the extent to which lessons learned are adopted by the organization as a whole.

For example, we would like to know how the review of UNHCR's involvement with IDPs has influenced new policy developments in relation to IDPs and how the recommendations from the Liberia evaluation have been incorporated in other IDP operations. We would also like to learn of the extent to which the findings from the real time evaluation in Chad have been adopted in this operation, and how they will be used to guide UNHCR's future emergency operations.

Turning now to activities of the Inspector General's Office, the NGO community welcomes the commitment of UNHCR to "reinforcing principles of accountability throughout UNHCR's management,"⁶ including through revising the IGO's terms of reference to make them broader and more robust.⁷

In relation to inspection, NGOs would be interested to learn of the results of the testing of the UNHCR Code of Conduct and sexual and gender based violence checklists in future investigations. NGOs would also like to engage in a dialogue with the Inspection Unit in relation to the monitoring of the activities of UNHCR's NGO partners, in order to enhance the performance of NGOs, but also to ensure that UNHCR treats all partners in an equitable, fair and transparent manner. Given the experience that NGOs have of working directly with refugees, we would like to propose bringing that knowledge to joint inspection missions with UNHCR.

The report of the IGO indicates that almost all countries inspected substantially strengthened RSD and resettlement procedures and controls. Nevertheless, NGOs have expressed a number of concerns in relation to UNHCR's RSD operations in a number of countries, and the IGO report itself refers to 17 cases of resettlement fraud. Consequently, we would be interested in more information as to the specific improvements that have been made by UNHCR offices in relation to these core protection responsibilities and how such improvements will be adopted on a more global basis.

With respect to investigations, the High Commissioner has expressed the view that "effective investigation and the follow-up action that these entail, including disciplinary action, are among

⁶ UNHCR, "Report on UNHCR's Inspection and Investigation Activities," A/AC.96/993, 29 July 2004, para 1.

⁷ Ibid.

the key policy priorities of the Office”.⁸ NGOs welcome this view and feel that a number of measures should be taken in order to ensure that these priorities are met. First, the UN Secretary-General should endorse the appointment of the Inspector General and the reports of the IGO should be shared with the UN Headquarters in New York. Second, in the same manner that the UN’s Office of Internal Oversight Services (OIOS) reports to the General Assembly, UNHCR’s IGO should provide detailed and substantive reports to ExCom, and should consult on a regular basis with the ExCom Bureau throughout the year. The IGO budget must be a priority in the regular programme and guaranteed for the budget year. Finally, the findings and recommendations of oversight reports – both positive and negative – must form an integral part of a staff members’ formal performance appraisal.

Strengthening the accountability of NGOs is also a key priority for the NGO community. Working closely with UNHCR, a joint inter-agency project has been developed that involves NGOs and UN agencies. By building on work already done to prevent abuse and exploitation, the project aims to help put in place processes and procedures to enable NGOs to undertake investigations into allegations of abuse and exploitation. The *Building Safer Organizations* project will produce two sets of training material. One set, aimed at senior managers, will outline the range of implications for organizations of having Codes of Conduct. The second set will be for those individuals designated to undertake investigations into allegations of abuse or exploitation of beneficiaries by staff. The project will develop a handbook for NGO staff, with checklists and tools, to outline the steps to be taken in fully operationalizing an effective Code of Conduct. The project itself will develop and extensively field-test these products and develop a network of individuals experienced in investigations who will mentor and guide future investigators to ensure sustainability of the process after the project is completed by the end of next year. NGOs remain committed to improving our ability to better contribute to the protection of refugees – in this case, by ensuring that we have the right procedures and processes in place to prevent abuse and exploitation.

Thank you.

⁸ Enhancing Oversight and Accountability in UNHCR, A Joint Supplementary Funding Appeal for UNHCR’s Inspector General’s Office, Division of Human Resources Management and Legal Affairs Section (August 2003 – December 2004), section 1.

Annex IX

ADDRESSING IRREGULAR SECONDARY MOVEMENTS OF REFUGEES AND ASYLUM SEEKERS

NGO STATEMENT AT THE HIGH COMMISSIONER'S FORUM
1 OCTOBER 2004

Introduction

As active members of the Core Group on "Addressing Irregular Secondary Movements of Refugees and Asylum seekers", NGOs wish first to place on record our appreciation at the consultative and transparent manner in which the work of this Core Group has been conducted by the facilitators. We look forward to further and concrete discussions that take the human rights of refugees as a starting point.

At the outset, NGOs wish to recall the fundamental aim of the Convention Plus initiative as set out in the UNHCR document 'Convention Plus at a Glance' (14 May 2004) which is "to improve refugee protection worldwide and to facilitate the resolution of refugee problems through multilateral special agreements". This fundamentally is what the work of this strand is about, and any outcome that does not have as its primary and explicit aim the furtherance of the human rights of refugees and asylum seekers will necessarily be contrary to this aim.

Scope of the discussion

In this context, NGOs wish to draw the attention of the Forum to two issues which in our view do not fit in this strand of Convention Plus, but which have unfortunately come up in the discussion. In the first place, recalling a point that was made in our statement to the last meeting of this Forum, this discussion is not, and should not be, an exercise in migration control, even though the 'migration arena' might form part of the context within which the issue of irregular secondary movement could be viewed. It is also not primarily about the crafting of special agreements that have as their purpose the conclusion of readmission agreements and return arrangements, including the return of 'irregular or undocumented migrants'.

This strand *is* primarily about securing and enhancing the protection of persons who are and remain in need of international refugee protection, whether they have been formally identified as such or not (asylum seekers), wherever they are and however they choose or are forced to move. In this context, NGOs wish to draw attention to the fact that asylum procedures in many countries are of such a poor standard that a substantial proportion of persons in need of international protection are denied the refugee status to which they are entitled. NGOs have broad-ranging concerns on poor or inadequate asylum determination procedures conducted both by states and by UNHCR, including the denial of the right to legal counsel; limited, unqualified or biased interpretation; and a failure to give reasons, including written reasons, for rejection. And on a related issue, NGOs are concerned that the use of penalties and deterrents to prevent onward movements risks punishing the very persons for whom the Convention Plus initiative is trying to find solutions, namely those refugees living in protracted refugee situations.

NGOs wish to make clear, that persons not properly the subject of this discussion, such as undocumented migrants, have fundamental human rights which must not be violated in any manner in the course of the operationalization of this strand. Importantly in this context, any returns of persons to their countries of origin must respect fundamental human rights standards, including the principle of *non-refoulement*.

NGOs urge that ExCom Conclusion 58 (XL) should serve as the guiding standard for the discussion on irregular movement, and recall that this Conclusion speaks to the movement of refugees onwards from countries in which they *have already found* protection. We reiterate that in our view the primary movement of a refugee or asylum seeker continues until such time as the person *has found* effective protection. It is only after this that one is able to speak of a “secondary movement”.

In our view, though, the **primary contribution of this strand to enhancing refugee protection will be to address the protection concerns of those persons who *have not found effective protection***. In other words, to address the onward movement of persons who have not been able to access protection of their fundamental human rights, including their economic, social and cultural rights. This is recognized in part in UNHCR’s “Basic Propositions on Irregular Secondary Movements” (25 June 2004).

Gaps in protection

In light of this, NGOs believe that an analysis must be made of the gaps in protection which cause refugees to move onwards in search of effective protection. In other words, *why* do refugees move onwards? NGOs have conducted some research into this question, which indicates that the motivation behind such onward movements includes the risk of forced return, the lack of a legal status, the risk of arbitrary detention, and the discriminatory denial of basic economic, social and cultural rights such as the right to work.

An analysis of gaps in effective protection is fundamental to the search for rights-respecting solutions, which in itself is a necessary element of the debate. In this context, we would welcome more details of the project being undertaken by the Department of International Protection on strengthening protection capacities.

The debate on effective protection

Identifying the core components of the concept of “effective protection” is equally vital in this discussion. NGOs emphasize that effective protection requires the delivery of legal, physical and social protection, firmly grounded in international human rights standards, and where the dignity of the individual human being is an essential component. It should be linked to the search for and delivery of durable solutions. Protection is not truly effective unless there is a realistic and timely prospect of a durable solution; otherwise it is no more than “warehousing”.

If “effective protection” is to be a term of any substantive meaning to the lives of the millions of refugees, IDPs, asylum seekers and returnees, it must enable them to live lives of dignity with full respect for their human rights. In effect, it should be about the quality of protection provided to refugees. It should not be allowed to be “negotiated down” or held hostage to the self-interest of states. In addition, the scope of the concept of “effective protection” must be driven by facts, not assumptions about situations in which it is “expected” that a person could or should have been able to access protection.

In order to guide the on-going debate on what constitutes “effective protection”, NGOs support the call of the African Group to UNHCR’s Department of International Protection to provide an authoritative, rights-respecting and comprehensive definition of the scope and content of “effective protection”.

Burden and responsibility-sharing within a human rights framework

Improving the quality and effectiveness of protection available within countries in the regions close to the source of refugee movements, while important, must not be taken by states in more distant regions as an excuse to relinquish their protection obligations towards asylum seekers and

refugees on their territories or under their effective control. In order to ensure that this strand of Convention Plus is credible, both to the refugees themselves as well as to the developing countries that host the vast majority of the world's refugees, it must not be intended to be, or be open to interpretation as, an exercise in "burden-shifting".

In addition, it is useful to question the assumption that refugees are necessarily *always* better off remaining as close to their country of origin as possible. As has been unhappily demonstrated in the past, situations including where refugees are located in camps physically proximate to their country of origin, or make their way to overcrowded and under-resourced urban centres in neighbouring countries, have actually exacerbated existing tensions or even created new ones resulting in serious deficiencies in the delivery of protection.

NGOs welcome the proposal made at the last meeting of the Core Group, and reiterated this morning by the High Commissioner, to situate the concept of burden and responsibility-sharing within a human rights framework. We believe firmly that any multilateral arrangement to emerge from the discussions within this, and the other, strands, must be firmly and explicitly grounded in international human rights and refugee law, and international humanitarian law as appropriate.

Somali survey

In the context of the survey that is currently being conducted by the Swiss Forum for Migration on the movement of Somali refugees, NGOs urge that sufficient attention is paid in the design and implementation of the survey to issues of gender and age.

In addition, we recommend caution on the use of this particular caseload

- a. to draw generic conclusions on the motivation and methods of onward movement; and
- b. as the subject of a special agreement in a manner that is premature, given the conditions of insecurity and human rights violations that still continue in Somalia.

NGOs further recommend that the Core Group focus some attention on the situation in relation to the onward or secondary movement of other refugee groups in other regions of the world in order to better inform its discussions.

Thank you

Annex X

COMPREHENSIVE APPROACHES TO DURABLE SOLUTIONS

**NGO STATEMENT AT THE HIGH COMMISSIONER'S FORUM
1 OCTOBER 2004**

Mr. Chairman,

Thank you for this opportunity to make this intervention. We note that while these comments represent the views of many of the NGOs they do not necessarily represent the views of all NGOs present.

We wish comment on the example of the Comprehensive Plan of Action as a model for comprehensive approaches to protracted refugee situations and as central to the Convention Plus Process, in particular on the use of resettlement as a key component of this approach. We emphasize the need to understand the root causes of protracted refugee situations and support the timely and early introduction of CPAs at the beginning of crisis situations as detailed in paragraph 4.

We would like to congratulate Canada for their leadership in developing the excellent *Multilateral Framework of Understandings on Resettlement*. The NGO community has welcomed the opportunity to make written submissions to this process.

In particular, we welcome the move towards applying more flexible resettlement criteria to those who may not fall strictly within the 1951 Convention by drawing on the wider definitions of the OAU Convention and Cartagena Declaration.

The following statements are based on the experience of the implementation of the comprehensive plan of action. The "Comprehensive Plan of Action" (CPA), which was used to clear long-term refugee situations in Indo China, has been suggested as a model, which could be replicated in current situations.

While the CPA did successfully provide durable solutions for the majority of the refugees in these camps, there are lessons to be learned from that exercise.

We are concerned with ensuring that the method of selection of refugees or resettlement to developed countries does not result in the creation of a 'residual caseload' of people seen as having poor settlement prospects as happened in the implementation of the Comprehensive Plan of Action. These included many highly vulnerable women and children, many of whom were at extreme risk, as well as people with a disability, people with low educational attainment, and the elderly.

We note that resettlement is a continuing process and that in the past, and in some current situations, the failure to provide adequate and appropriate services in resettlement countries has led to refugees experiencing problems in resettlement and integration, and resentment from host populations.

Resettlement should be founded on the principle of resettling those in greatest need of protection and should not be used to select refugees, according to 'integration criteria', labour market needs of resettlement states or other non-protection criteria, including national security concerns. [Agenda for Protection: Goal 6, Objective 6, Points 1, 2]

- Resettlement States should avoid using domestic considerations as the primary basis for determination criteria established in regards to population categories and vulnerable groups. Rather, they should allow international needs and opportunities to take precedence thus upholding the spirit of solidarity, consensus, and achieve effective burden sharing.

- It is essential that coercion not be used in persuading members of refugee communities that resettlement is the optimum solution, putting the needs of countries of resettlement or first asylum above the needs of the refugee communities.
- To avoid the creation of a residual caseload due to restrictive selection practices, it should be agreed that the following categories of refugees meet the criteria for consideration for resettlement before other categories:
 - (a) refugees who are unsafe in the country of first asylum, especially those needing expedited, emergency consideration;
 - (b) unaccompanied or separated minors for whom family tracing efforts have proved unsuccessful within a given period of time and for whom it has been determined that resettlement is in their best interest;
 - (c) refugees in women-headed households and women-at-risk;
 - (d) other refugees at risk, such as survivors of torture and violence, the disabled and other injured or severely traumatized refugees in need of special treatment unavailable in country of first asylum;
 - (e) any other category of refugees not on the above list that is referred for consideration by UNHCR and NGOs.

Reception and integration services for resettled refugees must be effective and appropriate for the special needs of these particular groups/individuals [Agenda for Protection, Goal 5, Objective 6, Point 6]. Further, the receiving state should ensure that refugees enjoy:

- (a) permanent status
- (b) equality of rights and opportunities in social, economic, and cultural life of the country, especially as regards to: (i) education (from language training to higher education opportunities); (ii) labour market, through appropriate provisions in national legislation to consolidate the commitment.

Resettlement is mutually beneficial for both the refugees and the receiving countries. However, these benefits will only be realised if adequate and effective resettlement services are in place in receiving countries. These services must keep in mind the special needs of refugees who have lived for protracted periods in refugee situations. Sadly, we must acknowledge the very negative effects of such experience, which include increased trauma, erosion of self-esteem, erosion of life skills, and even erosion of culture. Refugees from protracted situations also experience multiple health problems. While there are many good models of settlement services in place in countries that have a history of refugee resettlement, few of these are designed to respond to the increased needs of refugees who have lived for prolonged periods in protracted refugee situations. Lack of effective and adequate settlement and integration services can lead to further experience of trauma, failure of successful settlement outcomes, social disharmony, and xenophobia in receiving countries.

We welcome the initiative of States in expanding their resettlement programmes, in particular the initiative of European Union countries to develop an EU wide resettlement scheme, but we emphasize that this must not replace States' obligations to asylum-seekers who arrive spontaneously.

We reiterate our strong interest in being involved in any consultations on piloting the Multilateral Framework of Understandings on Resettlement and on being involved in the development of plans relating to comprehensive approaches and in participating in the implementation steering committees.

Thank you.

Annex XI

TARGETING DEVELOPMENT ASSISTANCE TO ACHIEVE DURABLE SOLUTIONS

NGO STATEMENT AT THE HIGH COMMISSIONER'S FORUM 1 OCTOBER 2004

Dear Mr. High Commissioner,

The NGO community welcomes your initiative to stress the importance of Development Assistance for Refugees in the framework of Convention Plus and the interest expressed by several governments, the Danish and the Japanese governments in particular.

We would first like to stress some Preliminary comments:

It is with great interest that we notice that the Issues Paper on Targeting of Development Assistance links the reduction of poverty as expressed in the Millennium Development Goals to the pursuit of durable solutions for refugees, returnees and IDPs. They are often denied the most basic human rights and therefore deserve special attention in the fight against poverty.

We would also like to recall that refugees, as any other human persons, are the central subject of development and should be active participants and beneficiaries of the right to development. The Agenda for Protection (AfP) clearly lays down the principle of the right to participate in decision-making in all areas of refugee life, with an emphasis on refugee women and children. (Goal 5.7.4 (in general), Goal 6.1.1 (refugee women) and 6.2.1 (refugee children).

As a general comment we would like to remind you that, according to the AfP, refugee issues should be anchored within national, regional and multilateral development agendas (Goal 3.5).

Mr. High Commissioner, not only is the involvement of the civil society imperative for durable solutions; durable solutions are also key for the development of the civil society.

Refugees who are deprived of development oriented solutions risk the loss of their sense of self-esteem and dignity, the chance to solve their own problems, defend their rights and become self-reliant. This increases the chances of their becoming an economic and / or social burden for the host or home country.

As the NGO community, we would like to stress the fact that Development Assistance for Refugees (DAR) and Development through Local Integration (DLI), be it in the host country and / or on return, need an intensive cooperation of all the stakeholders: the refugees, the returnees and the displaced; the local population and the (local) authorities; the NGOs and the civil society and **last but not least** the donor and host governments, and UNHCR.

(Re)integration is the basis for a successful implementation of durable solutions as it has been lined out in the Convention Plus Issues Paper on Targeting of Development Assistance. It is a very intensive activity and calls for UNHCR and the development partners to adopt a community-based approach regarding investment in re-integration, as mentioned in the AfP (Goal 5.3.4.).

This is one of the reasons why NGOs, through their mandate and experience, and the civil society in general, are well placed to implement durable solutions, with the resources and support of donors and UNHCR, since the NGO community has built considerable capacity in critical areas of community development and gender and age mainstreaming.

Furthermore, the all-important protection of refugees is positively reinforced by a community development approach where refugee communities are empowered to meet their own protection needs (AfP Goal 3.4.).

Dear government representatives, the gap between emergency and development has to be closed, especially when it comes to funding.

We recognise the imperative catalytic role UNHCR and other UN agencies play towards the host governments and the donor governments to plan and fund the continuum from emergency response to sustainable development.

The donor governments and UNHCR have an important responsibility to advocate to host governments the implementation of durable solutions.

This means that the respective governments involved have to be convinced that DAR, the 4Rs and DLI are necessary and constructive instruments in the development of their country and of their entire population; that they must be helped to understand that the financial means going to durable solutions for refugees are not *per se* going to decrease the support they already receive from donor states for development at home or for humanitarian programmes. The governments of the host countries have to be convinced that investing in integrating and reintegrating refugees, returnees and displaced persons is beneficial for them since it has the potential to turn these groups into agents of development rather than a burden on the society.

Many donor governments see assistance to refugees only as emergency assistance despite the fact that it may persist for years, and development related activities too often as activities to be implemented on the bilateral or multilateral level with the governments of the developing countries and not by NGOs and the civil society.

We believe that closing the gap between emergency and development is key if longstanding refugee situations are to be resolved, both in terms of activities and funding. This means designing creative transitional mechanisms to bridge the gap.

Therefore, we warmly welcome the efforts of the donor governments who have already created 'transitional budgets' that close the funding gap between emergency and development, understanding that cost effective development activities for refugees, such as education, not only primary but also secondary and tertiary education, and increasing the gender balance, are a long term investment with sustainable outcome for all: not only between refugees and host populations but also for North and South in general.

Mr. High Commissioner and government representatives, we would like you to ensure that proper protection measures are implemented fully.

The NGO community expresses its concern about the fact that the Issues Paper drafted by UNHCR on Targeting of Developing Assistance only touches the protection issue between the lines.

We would like to urge the donor governments that the protection of refugees is and has to remain UNHCR's main mandate and concern, and that adopting a community-based approach throughout the displacement circle can strengthen protection.

In that respect, we welcome the catalytic role that UNHCR is playing to increase the attention for long term sustainable solutions for the refugees and displaced persons and the role the donor governments can play to close the budgetary gap between emergency and development.

However, we would like to urge that this should never be at the expense of people's right to seek asylum.

Therefore we urge the donor governments, host governments and UNHCR to pledge additional resources to durable solutions; furthermore, that whether existing or increased levels of resources exist for this, the clear objective remains Protection And Development, not Protection Or Development.

Mr. High Commissioner,

The NGO community would like to express its appreciation for your invitation to the International Council of Voluntary Agencies (ICVA) to take part in the meeting chaired by the Danish

Permanent Mission last week in order to participate in the debate on this issue. We would highly appreciate it if the NGO community would be involved in the future development of this DAR strand in the Convention Plus.

Thank you.

