Evaluation of UNHCR’s role in strengthening national NGOs

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<th>Abbreviation</th>
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<tr>
<td>CIREFCA</td>
<td>International Conference on Refugees, Returnees and Displaced Persons in Central America</td>
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<td>CIS</td>
<td>Commonwealth of Independent States</td>
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<td>CSO</td>
<td>Civil society organization</td>
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<td>DIP</td>
<td>Department of International Protection, UNHCR</td>
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<td>ECOSOC</td>
<td>UN Economic and Social Council</td>
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<td>EPAU</td>
<td>Evaluation and Policy Analysis Unit, UNHCR</td>
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<td>EPRS</td>
<td>Emergency Preparedness and Response Section, UNHCR</td>
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<td>EXCOM</td>
<td>Executive Committee, UNHCR</td>
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<td>ICVA</td>
<td>International Council of Voluntary Agencies</td>
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<td>INGO</td>
<td>International non-governmental organization</td>
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<td>IOM</td>
<td>International Organization for Migration</td>
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<td>IP</td>
<td>UNHCR implementing partner</td>
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<td>KIMS</td>
<td>Knowledge and Information Management System</td>
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<td>LOI</td>
<td>Letter of Instruction (UNHCR internal authority to expend funds)</td>
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<td>NGO</td>
<td>Non-governmental organization</td>
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<td>NNGO</td>
<td>National non-governmental organization</td>
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<tr>
<td>ODIHR</td>
<td>Office for Democratic Institutions and Human Rights</td>
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<tr>
<td>OSCE</td>
<td>Organization for Security and Co-operation in Europe</td>
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<tr>
<td>PARinAC</td>
<td>Partnership in Action (a UNHCR/NGO process of consultation and collaboration with NGOs)</td>
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<td>PVO</td>
<td>Private voluntary organization</td>
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<td>SMC</td>
<td>Senior Management Committee, UNHCR</td>
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<td>SPHERE</td>
<td>Humanitarian Charter and Minimum Standards in Disaster Response</td>
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<td>TOR</td>
<td>Terms of Reference</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<td>UNICEF</td>
<td>United Nations Children's Fund</td>
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Executive summary

1. This evaluation reviews UNHCR's role, policy, strategy and practice in strengthening national NGOs. It aims primarily to make recommendations for a future strategy.

2. The term NGO covers a multitude of organizations – the good, the bad and the unprofessional. The terms international, regional, national and local NGO are also vague. In UNHCR, the terms are applied confusingly. The differentiation between international and national NGOs is arbitrary in UNHCR. The basis for choosing one term over the other does not stand up to any qualitative or quantitative analysis. Geographical categorizations are not particularly helpful. This report recommends an alternative approach. NGOs should be viewed, selected, supported and partnered according to their qualities and capacities, real or potential. The primary criterion is the probable future benefit to refugees.

3. It is difficult, but perhaps less than crucial to arrive at clear definitions. To arrive at an agreed strategy on strengthening national NGOs (NNGOs) is also difficult, but more important, however. The number of NGOs globally has been multiplying rapidly in recent years. UNHCR is dealing with increasing numbers of NGOs, mainly as implementing partners (IPs), but also as part of a declared secondary policy to promote civil society organizations. Ironically, UNHCR implements more and more of its programmes directly.

4. UNHCR has a defined and officially sanctioned policy and strategy on the strengthening of NNGOs. This is expressed in a detailed strategy paper drafted by the NGO Coordination Unit. This policy and strategy are not adhered to. UNHCR NNGO capacity building activities are a mirror of the NGOs themselves – a mixture of the good, the bad and the unprofessional. Examples are contained in the report. While programmes (such as the PARinAC, CIS Conference and Reach Out processes) all include a focus on the strengthening of NNGOs, the organization is neither designed for, nor particularly successful at the task. There is a consensus that the task is not a priority for UNHCR. The very nature and mandate of the organization is not conducive to long-term capacity building of NNGOs. The challenge is more akin to the aims and methods of development agencies.

5. Not surprisingly, therefore, there is considerable disagreement, even within the UNHCR Senior Management Committee that approved the policy, on precisely what UNHCR’s role is in this matter. Strong arguments for and against UNHCR taking a significant role in strengthening NNGOs are presented in this report.

6. The report concludes that UNHCR has been running NNGO-strengthening activities for years, and that it has little option but to continue to do so. It should continue, given that UNHCR and other UNHCR partners alone do not have the capacity to meet refugee protection and assistance needs. UNHCR ought to move away from its clear drift towards direct implementation. It ought increasingly to support, guide, and facilitate others in assisting and protecting refugees, rather than
attempting to implement programmes itself. The Department of International Protection (DIP) recognizes, through its Reach Out process, that NGOs have a role to play in protecting refugees.¹

7. The report proposes a modest, phased approach, whereby NNGO capacity building would initially focus on strengthening NGOs that are of most potential benefit to refugee welfare and protection. The development of civil society per se, beyond refugee related organizations, while a recognized secondary UNHCR objective in this matter, is not recommended as a primary concern in phase one of such a strategy. This is for both pragmatic and mandate reasons. Subsequent phases (probably after years, if not decades) might look to such a broadening of the strategy.

8. The report finishes by setting out detailed conclusions and recommendations on what UNHCR’s strategy should be, and how it should be carried out. These are organized and presented in a manner that could facilitate a redrafting of the UNHCR strategy paper on strengthening NNGOs. They can also be adapted for training or the drafting of guidelines, given that the report sets out both basic principles for capacity building, and examples of good practice.

9. The single most important conclusion of this report is that before UNHCR can build the capacity of other organizations, it needs to enhance its own capacity for the task. Half-hearted, unprofessional attempts can cause more harm than good.

¹ For the sake of simplicity, the term ‘refugee’ is used to include all people of concern to UNHCR.
Introduction

Why this evaluation?

10. UNHCR, as stated in its Statute, disburses funds through both private and public agencies “which are deemed best qualified to administer such assistance”. National non-governmental organizations have become an increasingly important channel. UNHCR’s Senior Management Committee (SMC) has requested a review of “the organization’s attempts to utilise and strengthen local non-governmental organizations”. This study reviews whether UNHCR should strengthen NNGOs (policy), how it attempts to do so (practice), and what changes are advisable in this respect (recommendations).

How has it been conducted?

11. The fieldwork for this review was conducted in three principal locations - Europe, Central America and Central Asia. The reviewer applied standard evaluation methods:

- Documentary research (both UNHCR and non-UNHCR)
- Interviews (both UNHCR and non-UNHCR)
- Seminars and workshops
- On-site field visits to observe NNGO activities, capacities, and programmes

12. Experience of other regions and programmes has also informed this report. Because of obvious time limitations, however, the review does not cover all UNHCR’s NNGO-strengthening activities.

What is an NGO?

13. It has been suggested that some 29,000 NGOs exist globally. The number with consultative status to the UN Economic and Social Council (ECOSOC) has risen from four in 1946, to 196 in 1955, to 1,519 in 1998. The East Timor NGO Forum reported this year that 120 East Timorese NGOs now exist on the island. The growth in NGO numbers is in part explained by donor, UN and INGO policies to facilitate the creation of NGOs. One method, apparent in Bosnia & Herzegovina, was to convert project national staff teams into NGOs, as a way of phasing out international

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2 Terms of Reference for this evaluation.
3 Both a PARinAC meeting in Turkmenistan and a capacity building workshop in Dublin.
4 The Economist, 29 January 2000, p.25.
humanitarian relief. It is estimated that between 156 and 240 were created there from 1993 to 1996.

14. No one knows how many NGOs exist globally, however, partly because the term remains vague. The term NGO covers the committed and the opportunistic; the altruistic and the greedy; the constructive and the destructive. As but one example:

In 1967 there was an uproar after a series of articles in the New York Times about secret funding of some NGOs at the height of the Cold War. This led to a major review of ECOSOC’s relations with NGOs ending in May 1968 with the endorsement of a revised version of the statute, ECOSOC Resolution 1296 (XLI).

15. The ECOSOC statute attempts to define an NGO by listing conditions. In summary, an NGO:

- Must be concerned with matters falling within the competence of ECOSOC and its subsidiary bodies
- Have aims and purposes that conform to those of the UN
- Must act with caution (in the case of human rights NGOs) to avoid accusations of violating Article 2(7) of the UN Charter which prohibits intervention in the ‘domestic jurisdiction’ of a state
- Must have an established headquarters, a democratically adopted constitution and an executive, subject to the effective control of a democratic representative body which is responsible for the determination of policy
- Must not be established by a governmental entity or inter-governmental agreement
- Must provide evidence that it has been in existence for at least two years
- Cannot be a political party
- Should not use or advocate the use of violence
- Cannot be a profit making body
- Must be funded mainly from individual members

16. This list is more a set of conditions than a definition. Many are so broad, or difficult to monitor, that they are unworkable. Finally, given massive state funding of INGOs, one wonders just how many ‘corporate’ INGOs would pass that last condition.

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5 See ‘Service delivery or Civil Society – Non-Governmental Organizations in Bosnia & Herzegovina’ by Ian Smillie, December 1996 (CARE Canada).
17. UNHCR and its main Geneva-based NGO umbrella partner, the International Council Voluntary Agencies (ICVA), have no hard-and-fast criteria to differentiate an NGO, be it ‘national’ or ‘international’, from, for example, a business venture or a political group registered as an NGO; nor indeed from a UNHCR ‘shadow’ agency, established as an operational extension of itself. According to both UNHCR and ICVA, recognition under national law is a necessary criterion. It is insufficient, however. National law and practice vary widely. The term NGO may not be employed at all: private voluntary organizations (PVOs), charities, not-for-profit organizations and civil society organizations (CSOs) are common synonyms. The ICVA criteria ‘boil down to non-profit’. It is perhaps useful, therefore, to list what UNHCR partner NGOs are most commonly expected not to be: non-governmental; non-commercial and non-profit; and non-political.

18. If we combine these three with the requirements that NGOs be legally registered under national legislation, and share universal humanitarian values and practices, we approach a UNHCR working description of the term NGO. Beyond these indicators, we probably cannot usefully proceed, for now.

What is a national NGO?

19. The concept of ‘national’ NGO is equally fraught with ambiguity. The terms local, domestic, national, southern, regional, and international are inextricably intertwined, to the point of severely limiting their usefulness. According to ECOSOC consultative status categories, NGOs are distinguished as national, regional or international.

20. The terms local and national are used interchangeably by UNHCR management. The fact that some NGOs operate purely in one or more localities (local), and others throughout a country (national), is rarely noted. Similarly, the terms national, regional and international are imprecise. As noted above, some NGOs work primarily in one country (national), but co-operate and may, exceptionally, assist in neighbouring countries (regional). The fact that they operate regionally makes them, by definition, international.

21. The term Southern is geographically incorrect and arguably devoid of meaning. Not all so-called ‘Southern NGOs’ (commonly meaning ‘not based in the developed world’), are from the ‘South’. Many that are from the South, for instance CARE Australia, are not regarded as ‘Southern’ in the above sense. Many from the ‘North’, such as national refugee councils in Western Europe, are in dire need of strengthening.

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7 See the UNHCR evaluation by the late Alan Simmance on such practices: ‘Review of UNHCR’s Project Staff Arrangements’.
8 Interview with ICVA representative, Geneva 4/2/00.
9 Here the term ‘regional’ refers to supra-national regions, and not sub-national regions i.e. among countries in a region, not in a region within a single country.
22. In an impressive, officially approved strategy paper\(^{10}\), UNHCR makes a brave attempt to define an NGO as:

- Any organization registered as an NGO under the laws of its country and working in that country
- National branches of international organizations (Red Cross and Red Crescent Societies, Caritas, Christian Councils, etc.)
- Indigenous, social, religious and local organizations with a structure and clear purpose
- Organizations such as local self-help associations and cooperatives

23. In the absence of a better description, this report applies this categorization. Nonetheless, it is weak. The condition of being registered and working in one’s own country includes probably every NGO on the planet. This is also the case regarding structure and purpose. Some national branches of international organizations are themselves working outside their country of registration (e.g. in neighbouring countries) and thus are international. Finally, there are other key actors who do not readily fit any common UNHCR term, such as universities and private or professional associations.

24. That the NGO ‘enhancing’ strategy was designed, and that this study has been commissioned, are but two indications that such change is taking place. In such shifting sands, absolute definitions will be impossible. Watertight, mutually exclusive definitions are not a critical requirement for progress in any case.

25. A substantive change in UNHCR’s perception of, and relations with NGOs is critical, however. Definitions may be important if they reflect how an organization thinks and operates. In conclusion, the problem is probably less a matter of definitions than it is of substance. Experience globally has shown that UNHCR is more comfortable dealing with large, corporate, developed world, multinational NGOs, than it is with bodies that do not easily slip into this category.\(^{11}\) As it is gradually obliged to build relationships beyond this enclave (see later in this report), it must also develop a more sophisticated approach, including more discerning definitions.

**An alternative approach**

26. This report suggests that future policy and strategy documents gradually refine perceptions and related terminology on the basis of the above observations. Geographic distinctions reflect the management systems of the organization (Branch Offices, Bureaux, country operations, LOIs, etc.). As the ‘situational approach’ is applied, and as geographic borders blur, alternative, more operationally useful and

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\(^{10}\) ‘A Strategy for Enhancing NGO Partnership Effectiveness’, UNHCR/NGO Co-ordination Unit, October 1998, submitted to and approved by the SMC.

\(^{11}\) UNHCR funding to INGOs is greater than that for NNGOs, for instance.
realistic categorizations should be explored to frame types of relations with NGOs.12

27. Would it more useful to categorize NGOs under the following headings?

- Goals, values and ethos
- Appropriateness including proximity to, acceptance by, communication with and understanding of specific groups of refugees
- Potential effectiveness and capacity to improve the lives of refugees
- Approach (e.g. advocacy versus implementation)
- Stages of institutional development (‘young’ versus ‘middle-aged’ or ‘old’)
- Degree of transparency, accountability, and ‘democracy’ of it, its systems and structures
- Size and capacity to absorb funding (e.g. financial throughput, staffing, infrastructure, recent growth rates)
- Management capacity – human, material and financial
- Recognition (under national legislation; by peers; by communities; by international bodies, including the UN; by major donors, etc.)
- Chosen specialization (human rights versus relief; emergency versus rehabilitation; community services versus water)

28. The categorization of NGOs by UNHCR for operational relationships could and should reflect a qualitative analysis. Any differentiation among NGOs by UNHCR regarding obligations and entitlements should be based on an in-depth assessment of the needs and resources, and strengths and weaknesses of the NGO(s) in question. These would be measured according to the objective of the UNHCR-NGO relationship - to implement, to advocate, to represent, to support, or whatever. Thus the question for UNHCR would not be ‘how best to strengthen NNGOs’: rather, how best to strengthen different types of NGOs that UNHCR believes it should strengthen.

What is ‘strengthening’ of NNGOs?

29. The term strengthening is not so open to discussion. Many synonyms or euphemisms are used – capacity building, enhancing, and supporting for instance. Capacity building will be used interchangeably in this report to cover all the above terms. The ground-breaking UNHCR guide to capacity building provides a useful

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12 In line with the UNHCR Operations Management System (OMS), operations planning and budgeting are to focus on ‘situations’ rather than just states. Thus, refugee caseloads extending cross-borders are to be planned and budgeted for in a more integrated manner, linking needs and resources, and approaches and analyses, cross-borders where appropriate.
STRENGTHENING NATIONAL NGOs

definition: 13

Capacity building implies the reinforcement of human, institutional or community performance, skills, knowledge and attitudes on a sustainable basis.

30. There is broad agreement both inside and outside UNHCR that whatever term is applied, the practice in question should pass the following litmus test; 14 that it be:

i. Between organizations that share common commitments, objectives, and ethos;

ii. A two-way process, a partnership between two parties wishing to benefit and strengthen each other mutually, based on recognition of the distinctive value of each (not to clone, but to diversify);

iii. Based on mutual respect. This requires mutual understanding and professional organizational assessments of needs and capacities, which are situation specific;

iv. Rooted in long-term commitments, relationships and systems of support and sharing of responsibilities, roles and resources. This includes reliable, predictable, continued and timely delivery of finance as may be agreed;

v. As comprehensive as necessary, covering an appropriate mixture of support activities - intellectual, organizational, representational, social, cultural, material, technical, technological, practical and financial (not just training, nor financial and material handouts);

vi. Equitable (e.g. in funding rules, regulations, treatment and access);

vii. Transparent, including agreed information sharing;

viii. Non-bureaucratic and flexible;

ix. Integrated into normal programme design and budgeting systems;

x. Willing to countenance failure. 15

31. Capacity building is a serious matter - probably more serious and demanding than most people currently accept in UNHCR. In the words of the UNHCR guide, capacity building is not an end in itself - it ought to seek sustainable change in institutional and/or human behaviour. It is not just a matter of short-term, finance-

13 UNHCR ‘Practical Guide to Capacity Building as a Feature of UNHCR’s Humanitarian Programmes’, drafted by an ad hoc spontaneously formed group of interested staff.

14 For example, by recognized expert, Deborah Eade, OXFAM; ‘Capacity Building: An Approach to People Centered Development’ Oxfam-GB (1997); by a seminar of National and International NGOs in Bosnia (report by CARE Canada, December 1996); and UNHCR in its August 1996 evaluation of capacity building in Eastern and Central Europe.

15 It is estimated that only 20% of capacity building projects survive more than 3 years (seminar, Kimmage Manor ‘Development Studies’, Dublin, June 1999).
driven, top-down contractual relationships. For capacity read power. To build capacities (and partnerships) is to share institutional power and responsibility. It is to accept criticism and to cede to others' priorities, over a protracted relationship. Between UNHCR and NNGOs, the balance of power is generally grossly unequal. The most important question is whether UNHCR should, wishes to and actually does share power on a long-term basis with (N)NGOs.
Policy: should UNHCR strengthen NNGOs?

32. The UNHCR ‘enhancing NNGO partner effectiveness’ paper already cited, starts with the following statement;

UNHCR has a general policy to work with NNGOs whenever possible.

33. Despite the approval of that document, opinions are not unanimous among senior management on the issue. The following arguments are put forward by both UNHCR staff and commentators outside UNHCR.

Arguments in favour

34. It is argued that UNHCR must reverse the trend towards direct implementation by UNHCR itself, as opposed to implementation through partners.\textsuperscript{36} UNHCR’s value-added is, the argument goes, in guiding, directing, facilitating, co-ordinating and monitoring the contribution of willing partners. It is argued that refugees need NNGO support, because states and UNHCR alone are incapable of protecting and assisting them.

35. Specifically, compared to governments, INGOs and the UN, it is argued that NNGOs may be:

- Closer, more acceptable to and effective with refugees and affected/local populations - linguistically, culturally, religiously, ethnically, and perhaps politically. They can thus complement state and UN protection mechanisms
- More flexible and rapid
- Less costly
- Less complicated
- Present on the ground longer, before, during and after crises, especially where state authority is weak or absent
- Necessary partners in order to access government approval and/or donor funding.
- A counter-balance to both state power and possible abuse, and to perceived INGO and UN monopolies on funding and expensive technical expertise
- Expressions of ‘healthy civil society’ and thus a ‘preventive and preparedness

\textsuperscript{36} See the UNHCR evaluation ‘Review of UNHCR’s Implementing Arrangements’, May 1997
measure’ that can fortify solutions

- An expression of the universal right to organize and participate democratically
- A growing phenomenon that donors will increasingly expect UNHCR to support.

**Arguments against**

36. Despite the SMC approved strategy and as many as 26 recommendations in the 1994 PARinAC declaration, strong arguments are made in UNHCR against strengthening NNGOs. It has been argued, for example, that:

- UNHCR’s core concern is protection. This is the responsibility of states and UNHCR, not NGOs.
- Strong NGOs can undermine government authority and roles. They can attract international funding that should be destined to support the state.
- UNHCR is not a development agency – its objectives, means and culture are contrary to the requirements of good NGO capacity building.
- NNGOs are often weak, and unaccountable, especially financially. They can be open to nepotism and political or profit motives.
- NNGOs have no mandate. They can be just as top-down as INGOs, governments and the UN.
- The argument goes that to try to promote NNGO networks and co-ordination is a waste of time and money. They compete, fight and undermine each other and the UN.
- The prevention of refugee-producing situations through the creation of a strong NNGO sector is neither proven nor reasonably feasible. Some NNGOs (especially fundamentalist religious groups of any persuasion) may actively work to divide societies.
- Many so-called NNGOs are no more than concealed businesses, partisan political groupings or some form of self-employment. They are neither broad-based volunteer organizations, nor issue-oriented civilian movements. Many will take on any task provided the price is right.
- The creation of a strong NNGO sector is in part a donor-driven initiative. It reflects a desire to create competition for the UN, governments and INGOs.

**On balance**

37. There is some truth in all the arguments outlined above. The debate is far from being resolved. Most opposition comes at the highest level of the organization. The debate may have more to do with the very future of the organization than with the future of NNGOs. What is the way forward for UNHCR? An international refugee protection agency of states, and essentially for states? Or something else, on which there is currently no consensus. This dilemma may explain the fact that UNHCR’s unequivocal policy to enhance NGO effectiveness has gone largely unheeded in terms of resource allocation. In fact, of the chosen areas for 1999 resource
prioritization, certain capacity building activities were included.

38. Based on the range of opinions heard and documentation examined during this evaluation, this report concludes that it is not a matter of whether UNHCR should or should not strengthen NNGOs. The question is whether it should continue to; and essentially, whether it has much choice in the matter.

39. Firstly, were UNHCR to stop working with NGOs, be they INGOs or NNGOs, it would be incapable of carrying out its mandate. State, UN and commercial capacity simply does not exist to implement all the activities that typically make up UNHCR programmes. As recognized by the Division of International Protection through its ‘Reach Out’ programme (see next chapter), NGOs have a potentially important role to play even in international protection, a responsibility so jealously guarded by UNHCR up to recently. Needs are multiplying at a colossal rate. So too, is the number of NGOs. UNHCR has little choice but to rely on them increasingly to implement certain activities.

40. UNHCR has been supporting NNGOs in a variety of ways for decades. Major western donors are increasingly encouraging and funding NNGO capacity building. Good NNGOs are a resource too important for refugees to do without. This is overwhelmingly recognized in existing documentation (especially UNHCR evaluations), interviews with UNHCR staff, and with refugees/returnees – some of whom have established their own returnee NNGOs (as in Central America). There is no doubt that the balance is in favour of UNHCR continuing activities to strengthen NNGOs. Given that UNHCR needs NNGOs, it is only logical that the organization support them as well as it might. The question is which ones, and how, rather than whether.

41. In recognition of the particular validity of certain arguments against strengthening NNGOs, however, a phased approach is recommended. UNHCR should initially concentrate on NNGOs of most potential benefit to refugee and returnee protection and solutions. For UNHCR to aim to develop civil society as a major preventive measure is optimistic given UNHCR’s mandate, statute and above all current resource limitations, not to mention lack of expertise. Priority and common sense suggest a more cautious and focused approach.
Practice: does UNHCR strengthen NNGOs?

Current practice

42. According to the 1998 strategy paper, in 1997 UNHCR contracted 322 NNGOs as implementing partners (IPs). Seventy percent of NGO IPs are NNGOs. They implement two-thirds of all NGO projects. But this can be deceptive. As the numbers of NNGO partners increases, the percentage of funds channelled through them is decreasing. As already stated, a recent UNHCR evaluation points out that UNHCR is moving more and more towards direct implementation of projects:

The proportion of UNHCR’s budget activities spent through partners has declined from over 50% in the 1980s, to between 35 and 43% (in 1997).

43. The trend in programme implementation is clear. But what about capacity building activities? Regrettably, UNHCR’s institutional capacity building activities cannot be quantified. They are not recorded systematically by budget item, by type of institution, or by assistance and protection sector.

44. Nonetheless, numerous individual UNHCR capacity building activities are being implemented worldwide, many quite unperceived by headquarters. They cover all continents and all sectors and types of UNHCR activity. Contrary to common belief and the UNHCR strategy paper, emergency relief is included in UNHCR’s capacity building of NNGOs (through the Emergency Management Training Programme). Urban, rural, individual and mass caseloads are all addressed through these initiatives. Significant processes have at times focused on supporting NGOs as a central theme. The International Conference on Refugees, Returnees and Displaced Persons in Central America (CIREFCA) was an example, dating back to the 1980s and early 1990s. Other processes have emerged in the meantime. Three more recent initiatives deserve particular mention.

PARinAC

45. The now well-known UNHCR/NGO Partnership in Action process (PARinAC) saw some 200 NGO and UNHCR staff come together at the 1994 Oslo conference to establish this collaborative process. Several regional consultative meetings preceded the conference. The conference and the regional meetings produced lists of recommendations regarding how UNHCR and NGOs could better operate in partnership. PARinAC is described, rather grandly, in a UNHCR report as encompassing ‘every activity in which UNHCR and NGOs are involved together, whether it is referred to explicitly or not’. The report states further that ‘the PARinAC spirit changed the tune to a different key for better mutual understanding.

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of each others mandates, working conditions, and cultures.’ Recognising the breadth and at times nebulous nature of PARinAC, the report adds ‘in effect, PARinAC is about process, and process ultimately affects outcome’.

46. The 1994 UNHCR-NGO Oslo Declaration and Plan of Action contained 26 recommendations regarding NGOs. The process has provided a forum for UNHCR-NGO contact and discussion. The final chapter of this report contains detailed conclusions and recommendations regarding PARinAC and NGO capacity building.

The CIS conference process

47. ‘In 1994, upon the suggestion of a group of countries led by the Russian Federation, the United Nations General Assembly adopted a resolution (49/173) that called upon UNHCR in concert with relevant states and organizations to promote and develop a preparatory process ... that would lead to ... a Regional Conference to Address the problems of Refugees, Displaced Persons (DPs), Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States (CIS) and relevant Neighbouring States’.18

48. The conference took place on 30-31 May 1996. It was organized jointly by UNHCR, the International Organization for Migration (IOM) and the Organization for Security and Co-operation in Europe (OSCE). The Conference adopted a Programme of Action (PoA).

49. The follow-up to the conference included a number of NGO-related activities. NGOs had not been a feature of the CIS. A policy was pursued to promote and develop NGOs in the region. (The policy was backed by donor funding). A broad NGO capacity building programme was established. This is probably the most comprehensive NGO strengthening process that UNHCR has undertaken. While the assessment report reflects concerns by NGOs regarding the programme, any future UNHCR-NGO capacity building strategy ought to learn from this rich experience.

50. It involved, inter-alia, the provision of a fund for NGO development, training and support through specialized INGO staff and programmes, networking through thematic working groups (based on the PoA), a full-time UNHCR NGO co-ordinator for the region, and advisory support for the establishment and strengthening of NGOs in the region, including registration, legislation and fundraising.19 Concerns have been voiced within UNHCR, however, about this programme. It has been argued that the systematic development of CIS NGOs (not just refugee-related NGOs) should not have become a UNHCR priority.

51. Despite these policy concerns, this practical experience ought to be documented in detail for future NGO capacity building programmes. The CIS NGO capacity building programme has given way to the broader and less tangible PARinAC process. Central Asian NGOs expressed concern at this development.

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19 Regarding this, see also the World Bank guide on NGO national legislation.
during a recent PARinAC regional meeting. They correctly felt that UNHCR support through the PARinAC process would be less concrete than they had received through the CIS Conference process.

The Protection Reach Out process

52. The Reach Out initiative was initiated by UNHCR’s DIP in 1997. It resulted from significant ‘protection failures ... and intentional violation of the most basic principles of refugee protection by States’.\(^{20}\) It aims to ‘reinvigorate support for the essential institutions of refugee protection and for UNHCR’s protection mandate’. Through it, UNHCR ‘reaches out’ to a variety of actors. NGOs were brought into the second phase through a round-table discussion with 30 representatives of humanitarian and human rights INGOs in March 1999. ‘UNHCR and participating NGOs will work on developing a common protection agenda’. NGO-led task forces were set up on:

- Sharing sensitive information
- Training and staff exchanges
- Capacity building and collaboration with ‘NGOs from the South’
- Standard setting processes
- Promoting accession to, and compliance with, the 1951 Convention
- Advocacy

53. The process is still a young one. The range of issues and activities is quite progressive, including, for instance, a task-force that will examine staff exchanges. On paper, at least, the proposed UNHCR-NGO relationship is inclusive and seemingly based on mutual recognition and respect. The approach fits in well with the basic principles for good capacity building set out earlier in this report. Additionally, the decision to reach out to NGOs specifically on protection is significant. NGOs have been demanding for decades recognition from UNHCR for their potential in supporting refugee protection.

54. Two concerns do arise, however; firstly, to what extent will the process transcend the talking-shop and result in significant, concrete action to the mutual interest of UNHCR and NGOs, in order to advance refugee protection? And secondly, the agenda and the methods (including regional meetings) appear uncomfortably close to the PARinAC model. Can confusion, overlap and frustration be avoided?

Good practice

55. UNHCR has acquired experience and expertise in NGO capacity building. The

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\(^{20}\) From the UNHCR-NGO Protection Reach Out Process information note, ICVA, October/November 1999
CIS Conference process described above, contains a valuable range of good practices, from which the organization can learn. Successful approaches have been adopted worldwide, from material and financial donations, to training, and modest institutional funding. Access to information, guidance and expertise through other partners funded and tasked by UNHCR has been highlighted as successful in certain cases. Impressive examples exist, including personal commitment by UNHCR staff to assisting NNGOs from their own funds. UNHCR local staff have been supported to branch out and help form NNGOs that are now thriving, and by all accounts, very effective.

56. Of greatest value, according to NNGO interviews, has been the provision of UNHCR’s good services to open space for them, with the authorities and among international agencies. This umbrella function has been, in some cases crucial. On occasion, it has entailed actual physical protection of NNGO staff. Facilitation of access to fora such as EXCOM is another example. Active advocacy for NNGO access to potential donors has proven successful. In at least one case, UNHCR’s support landed an NNGO a major production contract that guaranteed its continued existence for some months, at a time when it looked as if it would fold.

57. At least two Regional Bureaux in UNHCR have already designed long-term strategies for NNGO development, as integral components of their operations plans and a third one is designing such a strategy. Finally, whole regions that had been devoid of NGOs now have a relatively strong NGO sector, partly thanks to UNHCR.

Bad practice

58. All that being said, there is a consensus that UNHCR’s NNGO capacity building is not a priority in the organization. Nor is the organization particularly adept at it. It has been described as amateurish. The proposal to cut certain capacity building activities in 1999 is offered frequently as an example of the lack of support for the approach.

59. A litany of bad practice exists:

- The destabilization of nascent NGOs by swamping them with resources and responsibilities they could never absorb. This includes the phase over from UNHCR to NGOs of core protection-related activities that amounted to the dumping of responsibilities by UNHCR as it withdrew from a region.

- Discriminatory UNHCR practices and procedures between INGOs and NNGOs.

- Sudden and unexpected reductions in, or cessation of, funding without adequate consultation and discussion.

- Delays in project payments, playing havoc with fragile cash-flows.

- Imposition of staff upon NNGOs by UNHCR, including ex-UNHCR staff.
• Inadequate monitoring of funding to certain NNGOs which clearly required such monitoring and follow-up, especially for NNGO staff travel paid for by UNHCR.

• The ‘donation’ of used equipment and vehicles that could cost more to maintain than they were worth.

• The imposition of INGOs upon NNGOs in a position of power, for capacity building purposes: this involved inadequate consultation and INGO staff of questionable quality.

• Attempts to manage an NNGO as if it were a subsidiary of UNHCR.

• Training of partners without any serious attempt to design the training in function of needs, based on a professional assessment of priority skills, capacities and knowledge to be enhanced.

• Alleged acts of arrogance whereby NNGO staff are treated in a humiliating manner, or ignored, by UNHCR staff.

• Rotation of key UNHCR NNGO interlocutors, without adequate hand-over to or briefing of replacements, leading to the weakening or termination of the capacity building activities.

• UNHCR refusal to share basic information with NNGO partners, information which was essential for the fulfilment of their responsibilities.

• An absence of any attempt to protect or provide good-offices coverage for NNGO partners and their staff in high risk areas.

60. In short, while good practices exist and impressive programmes have been undertaken, the evidence gives an overall impression of amateurism. Capacity building of NNGOs is not a priority for UNHCR. In general, UNHCR is neither equipped for nor capable of the extraordinarily complex undertaking as set out in chapter one of this report.
Conclusions and recommendations

61. Although the value of the term ‘NNGO’ has been questioned in the introduction, the recommendations, in line with the TOR, are made for NNGO strengthening. Most of the recommendations are valid for any categorization of NGOs however, be it geographical, or preferably, qualitative.

62. This chapter could be adapted to serve as a strategic plan for NNGO capacity building, as recommended below. Equally, the report could be used as a basis for designing manuals, guidelines and training for NGO strengthening activities.

63. UNHCR NNGO capacity building needs to be better thought-out and supported. UNHCR must build its own capacity in order to build that of other organizations. Without significant investments, such as those outlined in this report, its strengthening activities run the risk of doing as much harm as good.

Policy and strategy

64. The excellent October 1998 ‘NNGO enhancing’ policy and strategy paper, which has been approved by the SMC, ought to be upgraded into a strategic plan for future action in accordance with findings from this report. Such a strategic plan would form a framework for tools, guidelines and training for UNHCR and partner staff, as proposed below.

65. Basic principles for good practice in capacity building (as presented earlier in this report) ought to underpin the strategy. They should be outlined explicitly in a revised version of the paper. UNHCR’s NNGO capacity building experience, such as that gained in the CIS, ought to be documented in detail, so that it can be used as a key resource.

66. More explicit reference to the roles and responsibilities of NGOs (both INGOs and NNGOs) is required in the strategy. Similarly, the role and capacity of ICVA needs to be clarified.

67. The strategy ought to enhance UNHCR’s own internal capacity building. An institutional development plan is necessary to develop UNHCR resources and capacities to implement the NNGO strengthening strategy. The elements for such a plan are outlined below. The main challenge is to change UNHCR’s working culture; from one of direct implementation and contracting of services to one of collaborating, guiding, sharing and developing capacities. This will take years, possibly decades.

68. Future policy and strategy documents should gradually refine definitions and categories of NGO on the basis of observations outlined in the introduction to this report. The definition of NNGOs in the strategy paper is broad. The potential for strengthening the wrong organizations is high. Criteria and methods for the
selection of NGOs need to be developed. Similarly, criteria for evaluating the success and accountability of UNHCR and NGO mutual strengthening activities are required. Standards of accountability to which both UNHCR and the respective NGO will be held, during and following the strengthening process, need to be developed. These should include, for instance, professional standards for the management of refugee assistance and protection activities.

69. Recognising the significant divergence of views in UNHCR, as well as resource limitations, UNHCR should focus on strengthening those NGOs that are actually or potentially involved in UNHCR’s primary activities, and that are of most direct potential benefit to refugees and other persons of concern to the High Commissioner. Thus, initially at least, the development of civil society for its own sake and as a preventive measure, would not be a priority, not even as a secondary objective (contrary to the strategy paper).

70. The strategy is ambitious. Capacity building is generally a painfully long-term process. It needs to be phased, as does the implementation of the recommendations in this report. The comprehensive, mandatory strategy for all offices and operations has been shown to be unrealistic. It is unlikely to be successful in the immediate future. As an alternative, in an initial phase, interested offices might be encouraged and supported to implement the strategy, or as much of it as is feasible. On the basis of this experience, a second phase could subsequently move to a mandatory approach.

71. The obligation that NGOs ‘attempt to identify a national/local/indigenous NGO’ as a partner is potentially fraught with pitfalls. Again, a more gradual, phased approach might be wiser. In a first phase, on a case-by-case basis, according to need, opportunity and appropriateness, well chosen potential partnerships can be encouraged and supported, rather than imposed.

72. Regional or situational approaches should be a more integral part of the strategy. Regional resource centres, for information dissemination, training and technical support should be a hinge for regional strategies. Appropriate regional organizations (regional/national NGOs, not individuals, as currently in PARinAC) should be supported as key focal points for strengthening NGOs. Regional organizational development plans spanning several years and backed by guaranteed funding are required.

73. The role of PARinAC as a vehicle for strengthening NGOs needs to be analysed in light of the future strength and direction of PARinAC itself. PARinAC has fostered high, and at times confused, expectations among NGOs. They await concrete support. The proposed reinforcement of the ‘PARinAC NGO focal point system’ has not taken place. UNHCR’s own regional focal points argue for an overhaul of the system as it is no longer either geographically or functionally appropriate. The PARinAC process, including regional meetings has been sufficiently refocused, as proposed in the enhancing strategy. While potentially useful fora, PARinAC meetings need to be better thought-out, managed, supported and followed up with concrete action, if they are to become an effective and reliable

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21 E.g. ‘all offices ... must foster local self-sustaining co-ordination mechanisms’ (emphasis added).
22 Through a proposed new clause in project agreements.
CONCLUSIONS

74. Thorny questions raised by NNGOs and UNHCR staff during interviews conducted for this report need to be addressed in detail at a policy level. Six stand out:

- How and to what degree will UNHCR act as an advocate for potential donors to fund selected NNGOs?
- Will UNHCR share important, but potentially sensitive information with NNGO partners?
- What support will UNHCR provide to NNGOs to improve staff security in high-risk environments?
- Are NNGOs more prone to financial mismanagement than INGOs, as has been insinuated in UNHCR documentation? If so, how will UNHCR resolve financial control concerns regarding inadequate financial management capacities by implementing partners?
- How will capacity building initiatives be made less vulnerable to financial cutbacks during times of financial crisis?
- What capacity and role does and should ICVA have, and how sustainable is it?

Resources

75. It is proposed that a study should be conducted aimed at calculating potential savings that could be made if UNHCR increased its implementation through NNGOs. These findings should then be weighed against arguments in favour of cutting capacity building activities during prioritization exercises.

76. Increased funding ought to be made available for various strengthening activities. First, UNHCR ought to promote the increased contracting (funding) of NNGOs, where available and reasonably capable, for carrying out project implementation as a capacity building measure in itself. To facilitate this, UNHCR’s rules on the provision of overheads to NNGOs should be revised in line with entitlements for INGOs. UNHCR should consider establishing a global NNGO Capacity Building fund, and the support of donors for this should be sought. Finally, Bureaux and Division NNGO capacity building funds should be reviewed and boosted where required.

77. Innovative forms of facilitating NNGO access to financial resources should be examined. These might include the rostering of NNGO staff for consultancy work with UNHCR as both a human resources development and a financial sourcing initiative. Similarly, joint evaluations with selected partner NNGOs, paid or otherwise, are recommended.

78. Programmers should be encouraged to include, and make more explicit, NNGO capacity building activities in budgets, where desired and relevant in submissions. If FMIS (or its replacement) requires adaptation in order to achieve this, then this should be considered in the OMS and joint systems design team.
79. Based on such funding, and subject to a review of ICVA’s role, UNHCR should consider subsidising the payment of ICVA membership (currently some 350 Swiss Francs per annum) for selected NNGO partners.

80. Finally, NGO concern about UNHCR’s private sector fundraising are misplaced. An information initiative with the NGOs is recommended to help overcome their concerns.

**Staffing**

81. UNHCR’s NGO Co-ordination Unit needs to be strengthened by the addition of at least one more professional post specifically for the co-ordination and support of NNGO strengthening activities.

82. Similarly, subject to the scale of a regional approach in the strategy, the appointment of field-based, regional co-ordinators should be considered. As a complement to this, NNGO human resources development (including, but not limited to training) should be a central objective of their work, and that of the proposed regional resource centres. As stated earlier, these centres ought to be run for and by regional or national NGOs.

83. UNHCR should employ and develop advisory expertise on NNGO capacity building. This should include expertise on national and international legislation governing NGO creation and activities, with specific reference to areas of concern to UNHCR.

84. Training which is based on experience and accepted good-practice, ought to be provided for key UNHCR staff – focal points, programme and protection officers, and heads of offices.

85. The existing network of PARinAC focal points ought to be evaluated. As with any such network, some members are more active and conscientious than others. The nomination of organizations as opposed to individuals should be considered.

86. In order to assure better continuity and local knowledge, National Officers or Senior Assistants, as opposed to international staff, should be considered as UNHCR focal points for NNGO support activities. The potential for any national or local bias in the choice of NNGOs to be supported, could be off-set through close supervision and guidance from international regional co-ordinators.

87. UNHCR partner training needs to be more focused. Professional assessments are required to ensure that appropriate training is provided to the appropriate, and highest priority NNGO staff, in priority areas. The NGO Co-ordination Unit should track, support and co-ordinate all NGO training – what sort of training, for whom, where and when.

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23 See UNHCR evaluation on Implementing Partner Training, May 2000
88. Mentoring and on-the-job training in UNHCR offices for priority partner staff (e.g. in preparation for the handing over of UNHCR responsibilities to an NNGO) should be encouraged and guided. Short-term staff exchanges between UNHCR and NNGO could be mutually reinforcing.

89. The practice of poaching NNGO staff should be discouraged, especially from partners selected for capacity building. Guidelines should be disseminated within UNHCR and included in training programmes.

90. While material support can be invaluable, it is rarely sufficient in isolation. UNHCR staff should be provided with guidance and training in how to conduct NNGO material needs and resources assessments as part of broader institutional profiling.

**Systems, tools and structures**

91. A major asset of UNHCR is its continually updated knowledge and information. This can be a highly powerful and cost-effective capacity building tool. As a priority, UNHCR should facilitate information technology and communications technical assistance to selected NNGOs, so as to facilitate their access this resource. Where possible and necessary, UNHCR should assist in their acquisition of relevant hardware and software, including KIMS (if need be, in an adapted format).

92. Specifically, it is recommended that a website for, and in collaboration with NNGOs, be set up. This can fulfil a need for both improved co-ordination and the exchange of information. UNHCR should also assist in the development of ‘ListServes’ as part of its support to NNGO co-ordination. If ICVA does not have the guaranteed long-term capacity to co-ordinate these activities on behalf of NGOs, a strengthened NGO Co-ordination Unit should run this itself.

93. UNHCR programming and financial systems need to be adapted with a view to the specific needs of NNGOs. The issue of overheads for NNGOs (compared to what INGOs are entitled to, as already referred to), audit certificate requirements, and standard but unrealistic sub-agreement clauses all need to be addressed. Systems need to be adapted to assist NNGOs in their relations with and responsibilities to UNHCR. The proposed Framework Agreement for Operational Partnership (FAOP) requires resuscitation, adaptation and finalization, in this respect. If applied appropriately, it can reduce paperwork.

94. Modelled on the excellent NGO protection handbook and the programming manual for implementing partners, there is a need to develop tools (including a guide book) for UNHCR and NNGO capacity building focal points. These would spell out responsibilities and entitlements, overall principles, aims and criteria, requirements for reporting and accountability, etc. For instance, basic responsibilities need to be established and supervised for PARinAC focal points (if retained as a concept), including that they report to NNGOs in their region on the meetings of the Standing Committees that they attend at UNHCR’s expense.

95. In line with the above recommendation, the ‘Practical Guide to Capacity Building’ should be reviewed and adapted for use in NNGO-strengthening programmes. This should cover all phases from selection of potential candidates, to
how to conduct a comprehensive institutional assessment, as well as design and implement a phased, transparent, and measurable (evaluated) capacity building programme. The heavy emphasis in the guide on the project cycle should be adapted by addressing basic principles, practice and techniques in greater detail. Those members of the original working group remaining at headquarters could be formally invited to reconstitute the group.

96. The wider translation into regional languages of priority documents and tools (e.g. protection training materials, the 1996 ‘Programme Management Handbook’, the Emergency Handbook, and specially designed financial and organizational management tools) would provide a major resource for NGO development.

97. Minimum standards and guidance for an effective UNHCR implementing partner NGO need to be developed as a tool for planning and measuring capacity building programmes. The SPHERE handbook is an example of such standards. These should focus on core UNHCR concerns, priorities and activities (protection, care for women, children and the environment, transparent and professional management of resources, etc.).

98. UNHCR should provide professional guidance to NGOs where it wishes to promote NGO regional or national co-ordination fora, as the ground rules for co-ordination and representation in PARinAC are diverse and weak. UNHCR should make available tried and tested models, standards and regulations as options for NGOs.

99. There is considerable in-house questioning of ICVA’s role in NGO co-ordination and capacity building. If ICVA is to be the international umbrella favoured by UNHCR for NGO representation in Geneva, the organization needs a capacity building plan of its own. Their current, somewhat fragile resources and capacities need considerable boosting to meet the challenges of such a demanding responsibility.

100. An EXCOM and Standing Committee preparatory mechanism is recommended to facilitate the involvement of NGOs. This would require a focal point in Geneva, to provide guidance and briefings on EXCOM and Standing Committee issues and to facilitate NGO input to the NGO deliberations and statements. The focal point would be temporary for the duration of Standing Committee sessions.

101. Given the multiplicity of NGO training and capacity building initiatives (by the Regional Bureaux, the NGO Co-ordination Unit, the CIS conference, DIP, EPRS, Policy Advisors, etc.) co-ordination needs to be improved. As already stated, the NGO Co-ordination Unit should be strengthened, enabling it to play a stronger role in tracking and promoting greater coherence among these diverse initiatives.

102. A range of NGO databases needs to be developed in UNHCR. The central NGO database needs to be updated more regularly, broadened (to include the burgeoning numbers of NGOs) and made more widely available, perhaps through the Internet.