

61st Meeting
4 – 8 October 2010

NGO Statement on General Debate

Agenda Item 4.

Mr. Chair, Ladies and Gentlemen,

This statement has been drafted in consultation with, and is delivered on behalf of, a wide range of NGOs and aims to reflect the diversity of views within the NGO community.

We would like to open our intervention by congratulating the High Commissioner on his second term. This High Commissioner has prioritised partnership with civil society in order to better protect people of concern and we are grateful for his personal commitment in this regard. We welcome UNHCR's priority in strengthening the role of local and national NGOs, as providers of first resort. We also look forward to continuing our work with UNHCR in addressing protection gaps and strengthening protection regimes and asylum systems; in securing humanitarian space for impartial humanitarian agencies; and in developing innovative and creative approaches in our future responses for refugees and other people of concern.

ExCom's Responsibility

Protecting people uprooted by armed conflict and disasters from further violence and *refoulement* to places where their lives are in danger is becoming an ever increasing challenge in today's world. For refugees, borders are closed, asylum systems are increasingly curtailed, and anti-foreigner sentiments are on the rise in many countries. Meanwhile, more than half of the 27.1 million of conflict-induced internally displaced persons (IDPs), a number which is still growing, are found in five countries: Sudan, Colombia, Iraq, DRC, and Somalia. The governments of these and other countries continue to shirk their international obligations to protect their own citizens. Furthermore, 12 million stateless people in the world are still not granted the citizenship to which they are entitled. Statelessness affects migrants, refugees, asylum seekers, and internally displaced persons alike, not to mention the large groups of women and children that are trafficked throughout many parts of the world. This Executive Committee (ExCom) should harness the responsibilities and capacities it has to rectify this unacceptable record.

Effective Humanitarian Response

The monsoon floods in Pakistan have created a disaster of unprecedented scale and proportions. During such a mega-disaster, it is only governments who have the capacity to mount the large scale response that is needed. NGOs call on Member States to look at why in the weeks and months following the disaster they have failed to deploy all tools at their disposal in the way they did during other mega-crises, such as the Tsunami or the Haitian earthquake. We would encourage Member States to look at the use of their civil and military defence assets in support of humanitarian response, the deployment of which should be more predictable and only driven by humanitarian considerations.

Five years ago, the UN launched an ambitious plan to reform humanitarian response. NGOs remain concerned about the limited impact on the ground especially with regards to the cluster approach. Pakistan is a prime example of where inter-cluster coordination remains a problem as in many other parts of the world. We call on UN humanitarian agencies and actors, in particular OCHA, to look at what improvements need to be made to the humanitarian reform process to ensure that real improvements are being made and humanitarian response becomes more effective.

Protection in Natural Disasters

The recent large-scale emergencies in Haiti and Pakistan have once again highlighted that significant protection issues arise during natural disasters and NGOs are concerned about the ongoing failure to establish clear protection leadership responsibilities during natural disasters. While UNHCR may in fact be the only agency with the necessary expertise to take on a leadership role in such situations, we also note that the agency's capacity is already stretched to the limit. If UNHCR does indeed take on greater protection responsibilities during natural disaster response, we call on Member States to provide UNHCR with the necessary resources to fulfil such a role. If Member States decide a different agency should play this role, we also call on them to allocate adequate resources to the task.

Humanitarian Space

In other humanitarian crises, such as in Darfur, Sudan, Somalia, and Yemen, NGOs have witnessed a serious deterioration in their ability to protect and assist affected populations. We are alarmed by the growing hostility towards NGOs, as humanitarian access is regularly denied and insecurity for our staff is, sadly, becoming the norm, instead of the exception. We call, therefore, on governments and other relevant actors to reaffirm their respect for international humanitarian law and for the independence and impartiality of our work. We welcome the efforts of the High Commissioner to maintain an independent approach with regards to humanitarian action. He has been an ally for us within the UN system in working to avoid the further instrumentalisation and politicisation of humanitarian response.

In Sudan, at least 4.9 million people are internally displaced in Darfur, the Greater Khartoum area, Southern Kordofan, and the ten States of Southern Sudan, with unknown numbers of IDPs in the other northern and eastern States. Some people have been displaced for more than two decades, whilst others were newly displaced in 2009 and 2010. As the risk of violence in Darfur due to a resumption of hostilities this year continues to remain alarmingly high, reaching the most vulnerable is becoming even more challenging. Humanitarian operations face debilitating restrictions and humanitarian personnel are continuously exposed to high levels of harassment and the constant threat of violence. In this environment, national and international humanitarian organisations struggle to deliver principled humanitarian assistance due to frequent targeted attacks and kidnappings, and continued governmental access restrictions and bureaucratic impediments. We call on the UN system to adopt and maintain a common rules-based engagement with the Government of Sudan and to ensure that mechanisms set up to facilitate humanitarian assistance to Darfur are honoured and operationalised.

With regards to Somalia, NGOs are very concerned by the drive towards integration of the various parts of the UN system. In such an integrated structure, impartial efforts will be associated with the political motivations from the UN, which is likely to create further security risks for our staff in the ground. If there is one situation in which the UN should not

set up an integrated mission, it is Somalia and we call on Member States and the UN system to keep humanitarian coordination and response separate from its other activities.

In Yemen, the wellbeing of well over 300,000 displaced people is in jeopardy. Impediments to humanitarian access continue to hamper relief efforts, as assessments cannot be conducted in parts of the country – let alone the provision of regular humanitarian assistance. While many actors have pushed for the return of displaced people, the UN and NGOs cannot, at this time, provide the support needed to facilitate a safe and durable returns process. We call on the UN to demonstrate leadership in creating humanitarian space and to facilitate impartial humanitarian efforts to the displaced and war-affected in Yemen.

Protection Challenges in D.R. Congo

One of the biggest protection challenges for all humanitarian actors is to protect vulnerable people from physical harm. It is a sad and well-known fact that in D.R. Congo (DRC), armed groups use rape as a weapon of war. In this respect, NGOs are outraged by UN peacekeepers' failures in August to respond to reports of mass rape in North and South Kivu. As only Member States and the UN can provide physical protection to civilian populations in armed conflict, we call on them to ensure that peacekeepers carry out their protection mandate which should not be an empty promise. We call on the UN mission, MONUSCO, to share information with humanitarian agencies involved in protection activities and to act on those agencies' protection concerns.

NGOs also call on UNHCR to ensure that the leadership of the protection cluster in eastern DRC – which as in other countries plays a pivotal role in coordinating protection work – is adequately staffed and we call on donors to adequately fund UNHCR's protection work in eastern DRC.

IDPs

Gaps in protection of, and assistance to, IDPs remain the norm, rather than the exception. We call on Member States with IDP populations to put in place laws and other normative frameworks that aim to protect IDPs. We encourage UNHCR to closely monitor States' development of, and compliance with, such laws.

We also urge UNHCR to continue to develop its mandate relating to IDP issues and to strengthen its expertise and staffing levels at headquarters and at the country level. In the African context, we encourage Member States to ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and to develop measures in support of its implementation. NGOs appreciate UNHCR's engagement and commitment to retaining close cooperation with the incoming Special Rapporteur on the Human Rights of IDPs. The current Representative of the Secretary-General on the Human Rights of IDPs has played a crucial role in highlighting IDP issues with countries and with humanitarian agencies in the context of their operational response to IDPs.

Gender-based Violence (GBV)

We welcome UNHCR's progress in developing policy and guidance in the area of gender-based violence (GBV). We particularly look forward to contributing to UNHCR's new five-year SGBV strategy and to working with UNHCR to ensure its effective implementation. While mainstreaming of GBV programmes needs to continue, we also call on UNHCR to confirm its commitment to stand-alone GBV programmes. Such programmes will help build the GBV expertise required to support successful mainstreaming. We note UNHCR's efforts

to reduce the risk of GBV through effective livelihoods programming which aims to make women less dependent on men, and encourage UNHCR to ensure that beneficiaries of these programmes can control their income. A specific priority area in preventing GBV is to ensure safe access to cooking fuel. We call on UNHCR, together with partners, to ensure the implementation of the IASC guidance on safe access to cooking fuel.

In relation to the crisis in Pakistan specifically, agencies have noted that gender-related issues are of significant concern and we call on all actors to ensure that protection and gender-sensitive programming, particularly for women and girls, is an integral parts of their response.

Sexual Exploitation and Abuse (SEA)

A recent review by the Inter-Agency Standing Committee of the progress made in implementing policies aimed at preventing sexual exploitation and abuse by aid workers has found that there is still a long way to go in ensuring that these policies are fully implemented. We call on UNHCR's Executive Committee to consider putting the issue on its agenda for 2011 and to discuss how UNHCR can lead the way with its NGO partners in preventing sexual exploitation and abuse by aid workers in the field.

Commemorations of the 60th Anniversary of the 1951 Convention relating to the Status of Refugees and 50th Anniversary of the 1961 Convention to Reduce Statelessness

Next year will see the 60th anniversary of the 1951 Refugee Convention. NGOs are keen to use this anniversary as an opportunity to look at how the Convention can be more effectively implemented. As noted in our forthcoming intervention on the agenda item related to protection, recent months have seen numerous examples where States have failed to ensure such basic rights as the right to seek asylum and other basic State failures relating to refugee protection. In light of these failures, we call on ExCom not to ignore its responsibility in addressing this accountability gap. We call on Member States and UNHCR to examine how Member States' compliance with the Refugee Convention can better be ensured. NGOs believe that better monitoring and reporting on refugee rights is a first step, but this step must be followed by improvements in the behaviour of governments who are responsible for ensuring the protection of refugee rights.

On the occasion of the 50th anniversary of the 1961 Convention to reduce statelessness, we also call on Member States who have not already done so to sign and ratify this Convention. Reducing statelessness should be a major priority in the work of Member States and UNHCR over the coming year.

Thank you, Mr. Chair.