

**Information Paper on
UNHCR's "Reach Out" Consultations on
the Protection Mandate of the Office**

Background

1. The "Reach Out" consultative exercise was conceived in November 1997 against a backdrop of unprecedented challenges to the protection mandate of the Office. The immediate motivation behind this initiative was to address concerns, then widely expressed, about the "failure of protection", particularly in the Great Lakes Region of Central Africa. Its overall aims were, however, much broader: to reinvigorate support for the essential institutions of refugee protection - including the 1951 Convention and 1967 Protocol relating to the Status of Refugees and the United Nations structures - at a time when basic changes in the post-Cold War international environment coupled with the increasing tendency of States to take unilateral action in refugee matters, often in open disregard of agreed treaty obligations, threatened to undermine their very foundations.

2. The effort to "reach out" to the international constituency for refugee protection has become all the more urgent for UNHCR at a time when consistent and active support to the Office's protection role worldwide has not been forthcoming from key donor States, including some Member States of the Executive Committee. The situation has been further aggravated by the fact that a number of these States have themselves taken measures in their own jurisdictions, which also do not comply with accepted refugee protection principles, and which are now being mirrored in other regions.

Consultations with the Executive Committee Member States

3. The first phase of "Reach Out", involving in-depth, bilateral consultations with a cross-section of Executive Committee Member States from each region, began in January 1998. Since then the Director of International Protection and other senior UNHCR officials have visited nineteen capitals and met with a number of missions in Geneva. The purpose has been twofold: to ascertain the views of the Executive Committee Members on key issues, ranging from basic problems in implementing UNHCR's protection mandate to concerns regarding the process followed by the Executive Committee in formulating its Conclusions on Protection; and to elicit enhanced support for the Office in its efforts to fortify the international protection regime.

4. In his statements to the twelfth session of the Standing Committee held in June 1998, and to the forty-ninth session of the Executive Committee in October 1998, UNHCR's Director of International Protection reported on the progress of these consultations. This met with a very positive response from delegations, including strong expressions of support for the continuation of the "Reach Out" dialogue and specific requests by several States to be included in the process, some of which also offered special financial contributions for this phase of the project.

5. Summarizing in non-attributable terms the main issues discussed up to that time, the aforementioned reports concentrated on those areas where views, had been expressed by more than one government. Many of these views have recurred in consultations held since then. There has, indeed, been a remarkable consistency among interlocutors in what has been a wide-ranging and varied dialogue, covering global, regional and national concerns. Salient points to have emerged from these discussions include the following:

- *All governments* appreciated "Reach Out" as a timely and constructive initiative, encouraged its development, and expressed broad support for the Office's protection mandate.
- *Many governments* explicitly shared UNHCR's concerns regarding the fundamental and far-reaching character of the current threats to refugee protection in general and to asylum in particular, and the magnitude of the challenges facing the Office in this area.

- *Some governments* emphasized the overarching importance of the protection function in UNHCR and expressed interest in specifically funding the Office's protection work; others agreed to speak out whenever possible in support of refugee protection principles; or indicated their willingness to be part of a "friends of protection" group or process.
- *Refugee-hosting Members of the Executive Committee* expressed the emphatic view that the burdens imposed by large refugee populations were not equitably shared, particularly in situations which no longer attract wide political interest or support. A number of these governments emphasized that while specific regional conditions need to be taken into account in determining how best to respond to a given refugee movement, this should not "de-internationalise" the overall response.
- *Several governments* offered to undertake bilateral approaches with states in their regions to promote accessions to the 1951 Convention relating to the Status of Refugees. Several also indicated that they would themselves consider accession to the 1954 and 1961 Conventions on the Status of Stateless Persons and the Reduction of Statelessness.
- *A number of governments* voiced concerns about the increasing difficulties recently experienced by the Executive Committee in drafting the Conclusions on Protection. While several suggested a review, or further discussion, of the drafting process, aimed at facilitating shorter, more focused conclusions, others cautioned against changing the working methods of the Committee without thorough consultations in advance with all Member States.

6. The "Reach Out" consultations are an ongoing process, and UNHCR plans to continue this dialogue, in particular with interested Member States, throughout 1999. (The schedule has not included States directly concerned with the Great Lakes crises, in view of the high-level dialogues undertaken separately by the High Commissioner in that region.)

Consultations with Non-Governmental Organizations (NGOs)

7. The second phase of "Reach Out" involves a year-long programme of structured dialogues between UNHCR and its NGO partners. NGOs have an increasingly crucial role to play in supporting the international protection system, particularly through advocacy at the national, regional, as well as international levels. Many of them are as concerned as UNHCR with recent developments, and have remained among the few strong and consistent voices in support of refugee protection in this difficult period.

8. As with State members of the Executive Committee, the overall aims of the "Reach Out" dialogue with NGOs are: to seek a fuller acceptance by them of a responsibility to act in support of protection issues; to explore how this responsibility could be more effectively carried out in practice; and to mobilize these agencies' moral support and other potential contributions to an expanded protection advocacy network.

9. To launch this second phase, and with specific financial support from the Ford Foundation, UNHCR invited leading international humanitarian and human rights NGOs to an initial round-table discussion on the broad aims of the NGO "Reach Out" process. The Chief Executive Officers of thirty NGOs, or their designated alternates, participated in this meeting, which was held from 11 to 12 March 1999 at the Council on Foreign Relations in New York City. Representatives of governments and other donors supporting the "Reach Out" project, other concerned United Nations organizations, and umbrella organizations of NGOs also attended in an observer capacity.

10. The discussions, which took place on a non-attributable basis and were facilitated by an independent moderator, focused on four areas: the current state of UNHCR-NGO collaboration on protection; strengthening advocacy for and the promotion of protection principles; improving cooperation in dealing with specific protection situations; and

enhancing protection expertise and capacity in field operations. From these exchanges emerged a number of concrete proposals, and participants agreed to form a joint UNHCR-NGO Steering Committee to take them forward at the working level. These proposals can be grouped under the following broad headings:

- mechanisms for sharing and use of sensitive information, including at the field level;
- staff training and staff exchanges;
- capacity-building and collaboration with NGOs from the South;
- cooperation and consultation in the context of standard-setting processes, including those of the Executive Committee;
- promoting accessions to and compliance with the 1951 convention relating to the Status of Refugees, including the development of appropriate compliance mechanisms; and
- coordination and cooperation in advocacy activities.

At its first meeting, held in May 1999, the UNHCR-NGO "Reach Out" Steering Committee set up NGO-led task forces to begin work on agreed proposals under the above headings. It also reviewed and endorsed UNHCR's plans to hold "Reach Out" consultations with a cross-section of NGOs from the South. To this end UNHCR is now preparing two regional meetings, to be held in the second half of 1999 in Bangkok and Nairobi, which will bring together advocacy-oriented national NGOs from Asia, Africa, the Middle East and Latin America with a demonstrated interest in and commitment to working on refugee protection issues. The objectives will be the same as in the New York consultations: to engage in an in-depth discussion on the theme of complementarities and collaboration in the protection sphere.

11. After the regional consultations have taken place, and in light of the work carried out by the task forces which have been commissioned in this context, UNHCR will reconvene its principal NGO partners to assess progress achieved and decide how best to take the process forward.

Next Stages

12. In the next stages, UNHCR proposes broadening the "Reach Out" process to encompass other key non-state actors, specifically: sister United Nations agencies and bodies, the international financial institutions, and the corporate sector. Some initial steps have already been taken as follows:

- In November 1998, in collaboration with the Prince of Wales Business Leaders' Forum, UNHCR initiated a project to assess the possible scope, and develop the ways and means of engaging the *corporate sector* in a "Reach Out" dialogue. This initiative, which is being carried forward with the financial support of the United Kingdom, has as its purpose to make the case for the corporate sector to involve itself not only with the humanitarian and fund-raising needs of UNHCR, but also with the political, legal and ethical complexities of the long-term protection of refugees. With the exception of fund-raising, the Office has little experience in dealing with the corporate sector, and through this project is drawing on outside expertise before formulating specific proposals for discussion with corporate leaders.
- Also in November 1998, UNHCR held initial discussions with the World Bank to seek their views and enlist their support, (possibly as co-hosts), for a consultative process with the *international financial institutions*. The objective is twofold: to persuade these institutions to include the imperative need to resolve refugee situations in their broader policy dialogues with refugee-producing and refugee-hosting countries. And second, to seek an increased commitment by lending operations to strengthen or

rebuild legal, judicial and other institutions and capacities that are crucial to achieving stable and lasting solutions for refugees and other displaced populations. Discussions with the World Bank are continuing in the context of their expanding work on post-conflict reconstruction and conflict-prevention, as well as that on governance issues.

- In March 1999, UNHCR held preliminary consultations with the *member agencies of the Executive Committee on Humanitarian Affairs (ECHA)* on the broad aims of “Reach Out” and how they relate to the development of positive complementarity of activities within the United Nations family for the benefit of refugees and internally-displaced persons. It was agreed to take this dialogue to the operational level and to focus on specific protection challenges in selected countries - as a means of identifying gaps, problems and best practices.

13. A final phase of the “Reach Out” process should be an enhanced dialogue with other influential members of civil society, including religious leaders, media representatives, international artists and related eminent persons in each region. Again, the objective would be to broaden the base for an expanded international coalition in support of refugee protection. Selected refugee leaders should also be included in this process, as part of the events planned for the 50th anniversary of the Office.

UNHCR
Geneva, 7 June 1999