

**52nd Session of the Executive Committee of the UN  
High Commissioner for Refugees' Programme  
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## **NGO SUBMISSION**

*This NGO submission has been drafted in consultation with ICVA members, PARinAC regional focal points, and ICVA partners.*

Mr Chairman,

### **AFGHANISTAN**

NGOs are deeply concerned by the rapidly unfolding crisis in Afghanistan and neighbouring countries. NGOs have worked with Afghan refugees in Pakistan, Iran, and other countries for decades. We stand ready to continue our efforts in the emergency.

The deliberations of EXCOM at the first meeting of the Global Consultations, which considered the protection of refugees in situations of mass influx, are clearly relevant to the situation. In line with the conclusions of that meeting, we urge Afghanistan's neighbours to respect the cardinal principle of non-*refoulement* and to open their borders so as to allow those seeking protection to do so.

We recognise the burden that Afghanistan's neighbours are already bearing in refugee protection. We, therefore, strongly call upon the international community to provide support to these countries so as to enable them to ensure the security of refugees in a manner informed by recent conclusions from the Global Consultations. A critical element will be adequate financial and technical support to ensure the safety of refugee camps and hosting areas and to preserve the civilian character of asylum.

The Refugee Convention remains central to refugee protection, including in situations of mass influx. We recognise that, in light of the possible extent of the exodus from Afghanistan, a humanitarian evacuation programme may become necessary to help Afghanistan's neighbours and to preserve asylum. While we do not advocate such a move, lessons should be learned from the Kosovo experience. Evacuation should only take place with the consent of the individuals to be moved and should respect the principle of family unity. In this regard we would like to draw attention to the deliberations of the EXCOM at

the Global Consultations, which “recognised the value of *prima facie* status in situations of mass influx.”

As our capacity as humanitarian organisations to respond will be seriously tested, it is essential that coordination of the humanitarian effort be robust. We are aware that there have been inter-agency tensions in the discussion about the regional coordination arrangements. Regrettably, previous experiences with inter-agency turf battles have not only severely hampered a coherent humanitarian response, but have attracted attention away from the task at hand: that is, alleviating the suffering of those affected by calamity and violence. We expect that such a state of affairs be averted in our collective response to the Afghanistan tragedy.

The Kosovo refugee crisis saw serious coordination failures, mixed quality in the response of agencies and the blurring of the distinction between humanitarian agencies and political actors. We are afraid that the effectiveness of the overall response to the Afghanistan crisis will be hampered by similar problems. In fact, if an all-inclusive mechanism for coordination is not ensured, we may again see the same level of bilateralism emerge, as we saw in the case of Kosovo. We urge States, UN and international agencies, and NGOs, to apply the lessons learnt from the Kosovo experience and other refugee crises, so as to ensure that the present response is informed, and thus, improved, by these lessons.

The wider implications of the recent attacks in the USA contain the potential for the dramatic erosion of the refugee protection regime. We are extremely concerned that several governments are tightening, or have proposed to tighten, immigration controls in a way that could further deny protection to refugees, including extending the scope of detention of asylum seekers.

It is particularly unacceptable that several governments have made statements that link asylum and terrorism. We view such statements as xenophobic and harmful to the right to seek asylum enshrined in the Universal Declaration of Human Rights, especially when they erode the non-discriminatory character of the Refugee Convention. We urge States to follow good practice in denouncing xenophobia in all its ugly forms.

## FORGOTTEN CRISES

There is a risk that forgotten crises will recede further into the background with the unfolding crisis in Afghanistan. To take but a few examples, in Sierra Leone, despite the biggest deployment of UN forces in the world, the disarmament process is very slow. NGOs believe sanctions against countries and individuals living on diamond and arms trafficking and setting up an ad hoc International Criminal Tribunal for Sierra Leone will help the peace process. In Angola, the recent tragic attacks on civilians are unacceptable. The international community must take the necessary steps to protect Angola from diamond and arms smugglers.

We should keep in mind the need to continue responding to the needs of all refugees in an effective and timely manner. As was rightly emphasised yesterday, “if the situation in Afghanistan has taught us anything, it is the need for consistent commitment to all

humanitarian situations, whether of recent origin or of a more protracted nature.”

## IMPLEMENTING THE REFUGEE CONVENTION

NGOs welcome the debate during the Global Consultations on improving implementation of the Refugee Convention and/or Protocol. We are committed to developing and participating in the follow-up Agenda for Protection. As part of strengthening the Convention, and as an element of responsibility-sharing, we urge those States that have not yet done so, to accede to the Refugee Convention, without reservations.

NGOs have been actively involved in discussions on the implementation of Article 35 of the Refugee Convention and will continue to be engaged. In this regard, there are three key points we would like to make:

- NGOs support a process in the course of which a range of possibilities is carefully considered. This process should not have a pre-determined outcome and would need to take into account all aspects of the issues that impact on refugee protection;
- The proposal emerging from such a process should serve to strengthen and support the Article 35 supervisory duty of UNHCR.
- The proposal emerging from such a process should be independent, impartial, transparent, and practical.

## PROTECTION

We noted with great satisfaction the determination of the High Commissioner in Actions 1-2-3 to focus on the core protection mandate of UNHCR. In this regard, it is essential, that the DIP has a direct command over, and access to, UNHCR protection activities around the World.

We echo the High Commissioner’s words that “protection is not protection without solutions.” But, we would also add that there are no solutions available without protection. As part of solutions to humanitarian crises, it is important to exert more effort so as to create an environment conducive to durable solutions. Therefore, we would add that any response must be solution-oriented and eradicate the root causes of conflict, which force people to flee. There is also a need for the international community to help limit the impact of refugee problems and build the capacity of asylum countries and national NGOs.

## IDPs

We call upon UNHCR and other UN agencies to fully participate in the newly created Internal Displacement Unit within OCHA to focus on the protection of IDPs through the implementation of the Guiding Principles on Internal Displacement. NGOs, UN agencies, and States that have an interest in improving the response to IDPs all need to ensure that the new Unit is successful by supporting and encouraging it to tackle some of the real challenges. It is important to evaluate the Unit after a year, based on the priorities identified by NGOs and others.

## CHILDREN

We welcome the independent evaluation of the impact of UNHCR's activities in meeting the rights and protection needs of refugee children and look forward to study the findings. Already now it seems clear that the implementation of its policies remains the key problem; in particular the critical link between protection and community services. One effort to tackle the implementation problem collaboratively is the Action for the Rights of Children project. Another would be if next year's Global Consultations' round on children were to have implementation as a key theme and include innovative ways for NGO participation. Given the priority of protection of children and adolescents we regret the fact that the regional advisor on children is not in place for the CASWANAME region, which means that there might not be proper attention given to the protection of children and adolescents in the planning for the Afghan crisis. In this respect, we call for the Senior Children's Coordinator to be involved in the task force on Afghanistan and raise concern about the small amounts in the budget set aside for the Afghanistan crisis for protection and registration.

## WOMEN

NGOs look forward to the review of UNHCR's guidelines on refugee women. Although the guidelines have existed for more than 10 years, serious gaps remain in their implementation.

Thank you.