

# 53<sup>rd</sup> Session of the Executive Committee

## Report on Pre-ExCom Consultations with Non-Governmental Organisations

25 – 27 September 2002  
Palais des Nations  
Geneva, Switzerland

### Abstract

This report provides highlights of the annual Pre-ExCom Consultations with Non-Governmental Organisations, which this year brought together some 260 representatives from 180 national and international NGOs, UN, and international organisations.

The two and one-half-day consultations featured 15 Working Sessions and five Regional Sessions with the active involvement of some 70 resource persons from NGOs, academia, government, and international and UN organisations. The Pre-ExCom focused on a broad range of operational issues of refugee protection which are of shared concern to all participating agencies. To the extent possible, a round-table format was encouraged throughout the consultations so to promote greater dialogue and contact among participants. The reports of each session were prepared by moderators and aim to capture the main points of discussion and any conclusions reached.

To promote more dialogue among NGOs, ExCom members and UNHCR, a special 'linkage' session was organised on the last day of Pre-ExCom in which a short report was given by the Pre-ExCom Rapporteur with moderation by the Rapporteur of the Executive Committee.

Included in annex to this report is the Pre-ExCom Programme, a list of participants, results of the participants' evaluation, and the three NGO statements delivered to the ExCom. This full report may also be found on the web at [www.unhcr.org](http://www.unhcr.org) and [www.icva.ch](http://www.icva.ch).

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

Africa Humanitarian Action □ Amnesty International □ Asian Women's Human Rights Council □ BioForce □ Brookings Institution □ CARE International □ Department of Foreign Affairs and International Trade (Government of Canada) □ European Council on Refugees and Exiles □ Humanitarian Accountability Project □ InterAction □ International Catholic Migration Commission □ International Center for Migration and Health □ International Committee for the Red Cross □ International Council of Voluntary Agencies □ International Federation of the Red Cross & Red Crescent Societies □ International Rescue Committee □ Lawyers for Human Rights □ Médecins Sans Frontières □ Norwegian Refugee Council □ Office Africain pour le Développement et la Coopération □ Office for the Coordination of Humanitarian Affairs □ People In Aid □ Sphere Project □ Steering Committee for Humanitarian Response □ Tufts University □ UNICEF □ World Council of Churches □ World Food Programme



NGO Liaison Unit, UNHCR  
Geneva, 14 October 2002

## Table of Contents

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<b>ACKNOWLEDGEMENTS</b>	<b>4</b>
<b>INTRODUCTION</b>	<b>5</b>
<b>OPENING SESSION TO PRE-EXCOM</b>	<b>5</b>
1. Mr Craig Sanders, Co-ordinator, NGO Liaison Unit, UNHCR	5
2. Mr Ed Schenkenberg, Co-ordinator, International Council of Voluntary Agencies	5
<b>PLENARY SESSION</b>	<b>5</b>
3. Mr Ruud Lubbers, United Nations High Commissioner for Refugees	5
4. Ms Erika Feller, Director of the Department of International Protection	6
<b>WORKING SESSIONS</b>	<b>8</b>
5. Staff Security	8
6. Standards and Indicators Debate: Current thinking	9
7. Role of NGOs in Protection: Putting the Agenda for Protection into Action	9
8. Financing Humanitarian Operations	11
9. IDPs: recent developments in IDP protection	11
10. Refugee Security: Integrated Approaches to a Complex Challenge	12
11. Setting Standards for Learning	13
12. Prevention of Sexual Exploitation: IASC Plan of Action and UNHCR's Code of Conduct	14
13. HIV/AIDS and Refugees: A problem ignored for too long	15
14. Geographic Information Systems: Tool for Planning & Coordination	16
15. Evaluations and Humanitarian Accountability	17
16. Partnership: National NGO Perspective	18
17. Procurement and Asset Management: Recent developments for implementing partners	19
18. Reception of Asylum Seekers	20
19. WFP/UNHCR MOU: The new developments	21

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<b>REGIONAL SESSIONS</b>	<b>22</b>
20. Africa Bureau	22
21. Asia-Pacific Bureau	23
22. Central Asia, South West Asia, North Africa & the Middle East Bureau	24
23. Americas Bureau	26
24. Europe Bureau, including South Eastern Europe	27
<b>PLENARY SESSION</b>	<b>27</b>
25. Mr Nils Kastberg, Director of Emergency Operations, UNICEF	27
<b>LINKAGE TO EXCOM</b>	<b>28</b>
26. Briefing to ExCom Members on proceedings of Pre-ExCom 2002	28
<b>PRE-EXCOM CLOSING</b>	<b>29</b>
27. Mr Kamel Morjane, Assistant High Commissioner	29
<b>ANNEXES</b>	<b>31</b>
I Programme of Pre-ExCom Consultations with Non-Governmental Organisations	33
II List of Participants by Organisation	37
III Summary of Participants' Evaluation of Pre-ExCom	45
IV 53 <sup>rd</sup> Session of ExCom - NGO Contribution to the General Debate	51
V 53 <sup>rd</sup> Session of ExCom - Statement of NGOs on International Protection	57
VI 53 <sup>rd</sup> Session of ExCom - Statement of NGOs on Programme, Administrative and Financial Matters	59

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- The International Council of Voluntary Agencies for their assistance and support in both the Pre-ExCom and ExCom;
- Joel McClellan, Pre-ExCom Rapporteur, and Hajime Kishimori, the ExCom Rapporteur, for improving the links between Pre-ExCom and ExCom; and,
- Nils Kastberg, Director of Emergency Operations at UNICEF, as guest speaker.

## Introduction

The annual Pre-ExCom Consultations with Non-Governmental Organisations were held in Geneva from 25 to 27 September 2002 with the participation of over 280 participants from some 180 NGOs, international organizations, and UN agencies. This report provides a summary of all sessions, as well as statements to the Executive Committee.

## Opening Session to Pre-ExCom

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

Mr Sanders welcomed the NGOs to the Consultations and provided a brief overview of the format and changes to this year's Pre-ExCom. Taking stock of the year, he spoke briefly on the outcome of the High Commissioner's Task Force on Partnership and the events in West Africa. While West Africa tested the NGO/UNHCR relationship, he noted that it also brought more serious attention to the issues of sexual exploitation and gender-based violence. He briefly set out current thinking on collaboration with NGOs and the need to move beyond the PARinAC process and more to a 'back-to-basics' approach. While acknowledging that PARinAC achieved a number of positive outcomes since its inception in 1994, its top-down structure of focal points was in many ways no longer adapted to the current reality of the field which one sees reflected in the many co-ordination mechanisms. To this end, he noted that one of the working sessions would focus on a recent UNHCR-commissioned, NGO-led review of partnership and coordination in West, East and the Great Lakes regions of Africa to analyse the impact of PARinAC and recommend ways forward.

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

Mr Schenkenberg added his welcome to participants emphasising that Pre-ExCom provides a unique opportunity for an annual stocktaking by both UNHCR and NGOs of their relationships over the past year, to identify and analyse issues of common concern and to find new ways to better respond to the protection and assistance of refugees. Highlighting the change in format to this year's Consultations, he called for active participation, not only during Pre-ExCom, but also during the twelve months thereafter. Although government representatives were invited to Pre-ExCom, more ways should be explored to feed field-based perspectives into ExCom, such as the participation of NGOs in the drafting process of the ExCom Conclusions, which follows logically from NGO participation in the Global Consultations. Pre-ExCom and ExCom are opportunities to raise international awareness of the situation of asylum seekers and refugees in individual countries and to hold governments accountable for commitments made in Geneva. Today, refugees and asylum seekers are political topics for all the wrong reasons and the continued existence of UNHCR is under serious threat. The lack of international political support has led to a financial situation, which is unacceptable for an agency with such a formidable task. NGOs would make a significant step if Pre-Excom was to send a message to ExCom expressing alarm over the marginalisation of UNHCR and to declare their full support for an agency, which is needed in order to assist and protect refugees.

## Plenary Session

### 3. Mr Ruud Lubbers, United Nations High Commissioner for Refugees

The High Commissioner began by underscoring that the outcome of Pre-ExCom provides valuable input to ExCom, which in turn has great value for NGOs and UNHCR alike. Partnership is an evolving effort from both sides and it is necessary to learn from each other.

UNHCR has gained significantly from the PARinAC process. However there is a need to revitalise the process by going back to basics and reaping the benefits gained from the experience. The NGO community, although one description, involves many different types of NGOs, i.e. development, human rights, advocacy, etc. There is a need to focus more on protection and co-ordination and partner more with NGOs. Trends show that NGOs are more popular in richer democracies. The concern is now more on NGOs in emerging countries where their voice is resisted. This voice is extremely important, and thus the need to work more with national NGOs.

The number of persons of concern to UNHCR has decreased from 21.8 million to 19.8 million. Large numbers have returned over the last year in places like Afghanistan, Eritrea, Somalia and Sierra Leone, and there are encouraging signs that many more will soon be able to return to their homes in Angola and Sri Lanka. The challenge now is to ensure the effective reintegration of these returnees. We must shift our focus from return to reintegration. Meanwhile, we continue to face worrying situations in places like Liberia, Burundi and Uganda. UNHCR is continuously questioned if IDPs are of concern to the organisation or not. The Secretary General was informed of the situations in which IDPs are of concern to UNHCR.

The OIOS investigation on sexual exploitation is almost complete and its report will be submitted to the Secretary General shortly. A summary is available on actions that UNHCR, NGOs and UN agencies have taken over the past few months. The IASC Plan of Action is a working document for all of us. UNHCR had started to deal with the issue at the same time the consultants undertook their work. The latter brought the issue to light. However, it is an unfair perception that all humanitarian workers are seen as exploiters. The lack of support to better the lives of refugees is part of the problem.

The Agenda for Protection is ready for endorsement by ExCom. More burden sharing is needed and UNHCR must be more effective in seeking durable solutions. However, the international community must pull its weight. Countries that host large refugee populations should be better assisted. Post-conflict situations require that people be facilitated to return home and also be integrated. To achieve durable solutions and to ensure greater international burden sharing, new agreements are needed. These would supplement the Convention. The High Commissioner therefore advocated a new approach, called "Convention Plus". The High Commissioner proposed the creation of a Forum, consisting of experts, which would help in developing these new special agreements between States.

#### **4. Ms Erika Feller, Director of the Department of International Protection**

Ms Feller welcomed the NGOs and particularly their focus on protection, which is reflected in this year's Pre-ExCom programme.

##### Agenda for Protection

ExCom should endorse the plan of action as agreed upon by States and other partners, the NGO community and UNHCR to address refugee protection problems today and in the years ahead. The Agenda for Protection is not a wish list or a blueprint; rather it is a platform on which to build protection strategies and a framework containing the broad lines, general directions and 'yardstick' activities to be adjusted to the operations on the ground. The challenge will be its implementation. The Agenda should not be used as a method to steer and co-manage UNHCR's work, nor to tie UNHCR's hands with States. Instead, the Agenda should help UNHCR and the NGOs to engage governments and to look for improvements. An important activity in the Agenda is the elaboration of comprehensive action plans for a number of protracted refugee situations. DIP is also looking at the range of documentation (i.e. ID, travel documents, etc.) made available to refugees globally, to assist in the

development of an organisation-wide registration system and working on a series of new Guidelines, including on Protection Safeguards in Interception Measures, which are envisaged in the Agenda.

#### Protection Management

Improving the manner in which UNHCR organises and implements its protection function is a priority for DIP. Performance is what counts. DIP has reorganised itself to focus on a number of areas. Staffing is a first priority, unfortunately hampered by financial constraints, although a review approved a number of additional protection and community services posts within the existing budget. DIP manages three deployment schemes assisting in refugee status determination (RSD), resettlement and field protection. Senior management has agreed to either the Representative or his/her Deputy having a protection background and DIP should have a say in the appointment process. A second priority is protection expertise and orientation. It is DIP's long-term goal to arrive at a protection culture that is understood by all staff regardless of his/her function. The Protection Learning Programme is one of these mechanisms, targeting UNHCR staff and, as a pilot basis in 2002, a limited number of NGO staff. Protection learning should be mandatory for all managers. Policies, systems and procedures are a third priority in the form of the Protection Manual (three volumes), distributed to all field offices and the revised and updated Resettlement Handbook. Office structures, planning tools and country/regional strategies must better reflect the linkage between protection and assistance activities. A recently issued Protection Checklist provides concrete objectives and impact indicators to improve planning for protection interventions. Ms Phyllis Coven, a senior consultant, is working on improving the implementation of resettlement standards and procedures in the field. Management oversight and accountability is the final priority through regional workshops with managers, protection staff and headquarters to look at the manner in which protection activities are organised in individual offices. Prevention of sexual and gender based violence is an important theme in these workshops.

#### ExCom Conclusions on Protection

There are three conclusions on protection, a general one focusing on the Agenda for Protection, and the others on Reception of asylum-seekers in the context of individual asylum systems and the Civilian and Humanitarian Character of Asylum.

In response to a question on detention, UNHCR has declared it as undesirable and should only occur in exceptional cases and for a limited period of time. UNHCR is currently working with countries to pursue alternatives to detention and to deal with the issue of controlling asylum seekers, which is unfortunately on the increase since 11 September. Following a plea from the shipping companies, UNHCR is working to promote standards for dealing with boat people and rescue at sea in a manner sensitive to protection concerns. Any State that is party to the 1951 Convention should be applying the letter and spirit of it and concern was expressed at the number of laws recently passed in some countries, which put into question a State's responsibility towards refugees. There was a plea to UNHCR to have protection-oriented meetings with NGOs at the field level. This was acknowledged as an area to be strengthened.

## Working Sessions

### 5. Staff Security

**Moderator:** Mr Randy Martin, International Rescue Committee

**Speaker(s):** Ms Carla van Maris, Field Safety Section, UNHCR

**Objective:**

Share opinions and ideas between UNHCR and NGOs on how to develop better co-ordination on security in the Field. Other objectives included information-sharing procedures, joint training opportunities and collaboration in planning.

**Intervention(s):**

The current security environment was described as one in which humanitarian workers are frequently working in the 'firing range'. The interdependence of UNHCR and the NGO community is great. UNHCR is very much dependent on NGOs to assist the organisation to fulfil its mandate. At the same time, NGOs bring a phenomenal amount of resources to UNHCR operations. This dependency on implementing partners and the lack of a formal responsibility for the security of NGOs in the UN system were factors, which led to the establishment of the IASC security task force. This task force developed 18 recommendations currently under review by UNSECOORD vis-à-vis compliance by UN agencies. UNHCR would like to work more closely with NGOs to ensure that planning of all humanitarian activities take security considerations into account. Mainstreaming security also requires holding staff accountable for their own safety, including senior management. UNHCR is developing, in conjunction with UNSECOORD, an interactive CD-ROM package to educate staff on how best to avoid or minimise potential dangers, and to indicate what staff can do if they find themselves faced with conditions of insecurity. All UN staff will be required to complete the exercise, which includes a final test.

**Discussion:**

UN role in bringing perpetrators of crime against humanitarian staff to justice. The definition of a non-governmental organisation is unclear – who should be covered by UN assistance over security. The role of the military in humanitarian operations was questioned, particularly when wearing civilian clothing, which jeopardises the security of humanitarian workers. There is a need for better co-ordination between security staff of UN agencies in the field, as there are currently different procedures, advice and analyses for the same geographical areas. The linkage between human rights and NGO staff safety was also highlighted.

**Conclusion(s):**

There is a need for follow-up on the issues raised at this session. There is a need for wider dissemination and implementation of the IASC recommendations, and better co-ordination at field levels.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
	1	2	3	4	1	2	3	4	1	2	3	4
1 v. poor – 4 v. good												
Staff Security		4	8	2		1	10	2		5	6	4
32 Participants												



## 6. Standards and Indicators Debate: Current thinking

**Moderator:** Mr Ed Schenkenberg, International Council of Voluntary Agencies

**Speaker(s):** Ms Nan Buzard, Sphere Project

Mr Laurens Jolles, Department of International Protection, UNHCR

Mr Mengesha Kebede, Division of Operational Support, UNHCR

**Objective(s):**

Review and discuss the value and limits of using standards and indicators as a management tool in humanitarian operations. Discuss the value and limits of the development of protection standards.

**Intervention(s):**

Standards and indicators are valuable, as management tools in humanitarian operations, though not the answer to every problem. They have limitations to measuring quality in refugee protection and assistance (e.g. dignity). Quantitative measurement is easier but runs the risk of becoming a statistical exercise for financial reasons. There is also difficulty to ensuring an organisation-wide consensus. The outcome of UNHCR's internal debate on whether protection standards should be developed is a compromise between those who believe that protection can not be framed in standards and those who feel that standards and indicators are a useful tool. The Sphere Project is currently evaluating the use of the handbook and revising the standards contained therein. The Sphere Project is unique because it is seeking global consensus on standards and indicators in humanitarian action. However, there are difficulties in applying the same standards and indicators globally. Is it possible to compare different situations using the same template? What if standards and indicators can not be met?

**Conclusion(s):**

Explain why standards can not be met, thus enabling an advocacy position for contextual factors (i.e. lack of access, cultural differences, lack of funds, etc.). There is also a need to look at areas where standards have not yet been developed, for example in education.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>				
	1	2	3	4	1	2	3	4	1	2	3	4	
1 v. poor – 4 v. good													
Standards and Indicators Debate			11	4		1	6	8		2	7	6	
59 Participants													

## 7. Role of NGOs in Protection: Putting the Agenda for Protection into Action

**Moderator:** Mr Ed Schenkenberg, International Council of Voluntary Agencies

**Speaker(s):** Ms Margaret Green, International Rescue Committee

Ms Eve Lester, Amnesty International

Mr José Riera, Department of International Protection, UNHCR

**Objective(s):**

Raise awareness of the implications of the Agenda for Protection for NGO work in the field. Exchange views on how NGOs can participate actively in the process of establishing priorities for implementation of the agenda at national and regional levels.

**Intervention(s):**

UNHCR

The Agenda for Protection is the result of a series of consultations over the past two years. It is not a blueprint for solving all protection problems nor a legally binding document, but it is

an authoritative text that represents a broad consensus among UNHCR, States, UN agencies, NGOs, and international organisations on measures to improve the protection of asylum-seekers and refugees. It is rooted in today's refugee-related challenges. It does not apply to all persons of concern to UNHCR (e.g. IDPs), since the Global Consultations concentrated on the 1951 Convention, which covers refugees only.

The Agenda contains a Declaration adopted during the Ministerial Meeting, which was one part of the Global Consultations process. It also contains a Plan of Action with 6 goals and related objectives and activities.

The Agenda asks that UNHCR and NGOs intensify their co-operation and that NGOs help combat xenophobia, help foster a positive attitude toward refugees, participate in registration in camps and be involved in developing durable solutions. UNHCR expects that NGOs will read the Agenda for Protection, disseminate it to their respective constituencies and discuss it with UNHCR offices in the field. The Agenda will require some tailoring to adapt it to situations in the field.

#### Amnesty International

It is hoped that the Agenda will revitalise the 1951 Convention. The Agenda does have some drawbacks, but overall it is a strong document and an important tool in strengthening protection. Now that the Agenda exists, coalitions of NGOs need to be established around strategic issues. NGOs have a responsibility to implement the Agenda for Protection and make it a living document. It should not be a lab experiment hatched in Geneva. In so doing, NGOs should have meetings with each other and with UNHCR and other agencies in the field (e.g. UNHCHR and IOM). UNHCR could also bring the Agenda to the IASC for discussion.

#### International Rescue Committee

The Agenda for Protection is very ambitious, but does not address all the concerns of NGOs. Commitment from States to implement the Agenda is needed, as well as:

- Regular meetings with UNHCR Protection Officers in field locations to identify/address protection issues.
- Protection training - Reach Out and the DIP protection learning programme are examples.
- Tackling the problem of high staff turnover.
- Protection indicators developed by UNHCR are good and will be very helpful if accompanied by training materials, as well as regular field-based assessments of any given protection situations.
- We should balance high quality programmes (e.g. legal advice models, SGBV programmes, distribution programmes that are protection-sensitive and decrease discrimination, etc.) with funding constraints. It is ironic that now that we are reaching a point of high quality programmes, funding is decreasing. Donors should measure their contributions to needs in the field, i.e. what remains to be done.

#### **Discussion:**

It was remarked that there is no knowledge of anybody within an international organisation (except ICRC maybe) losing his/her job because of bad protection performance. UNHCR's staff accountability framework comprises protection tools, indicators, a learning programme, a Code of Conduct this year, etc. These will assist in evaluating protection performance. Protection is gaining more importance in comparison to previous years when administrative/programme took the lead.

One participant wondered whether the voice of NGOs from the less developed world was included in the Agenda, since they are expected now to be involved in the implementation. It was answered that NGOs have been participating in the development of the Agenda but that it was not easy to reach all NGOs in obtaining broad-based field input.

Rating	Presentation				Content				Usefulness			
	1	2	3	4	1	2	3	4	1	2	3	4
1 v. poor – 4 v. good												
Role of NGOs in Protection		1	10	12			8	15		3	5	14
67 Participants												

## 8. Financing Humanitarian Operations

**Moderator:** Ms Agnes Callamard, Humanitarian Accountability Project

**Speaker(s):** Mr David Harland, Office for the Coordination of Humanitarian Affairs

Mr Ian Smillie, Tufts University

Mr Jean-Noel Wetterwald, Donor Relations & Resource Mobilisation Section, UNHCR

**Objective:**

Overview of UNHCR's funding sources and trends, and financial problems and mechanisms. Other objectives included an overview of the global and historical funding trends and of NGO funding trends.

**Interventions/discussion:**

The majority of victims derive from natural disasters, yet most of humanitarian aid goes to victims of civil conflicts. Humanitarian actors have multiplied. Inequity is found in the distribution of funding whereby the largest emergencies receive 50% of the total funding versus the forgotten emergencies that constitute the majority and must apportion the remaining 50%. The share of the collective funding process (CAP) has decreased as compared to the share of bilateralism leading to greater fragmentation. The support costs/HQ overhead is necessary, however it has turned into a necessary evil and a skeleton in the closet. Consequences lead to a tight budget with a narrow base, little learning and professionalisation, cover-up of problems, turning to private donors. Work begins without financial assurance and a compromise of durable solutions that threaten the well being of beneficiaries. The future involves analysing OCHA studies, the Dutch initiative on "Good donorship", and consider educating the donors. Better operational co-ordination is required and partnership in funding.

Rating	Presentation				Content				Usefulness			
	1	2	3	4	1	2	3	4	1	2	3	4
1 v. poor – 4 v. good												
Financing Humanitarian Ops		2	7	6		1	8	6	1	1	8	5
31 Participants												

## 9. IDPs: recent developments in IDP protection

**Moderator:** Ms Elizabeth Rasmusson, Norwegian Refugee Council

**Speaker(s):** Mr Guillermo Bettochi, Department of International Protection, UNHCR

Ms Roberta Cohen, Brookings Institution

Mr Carlos Maldonado, IDP Unit, Office for the Coordination of Humanitarian Affairs

**Objective:**

Share information on and discuss UNHCR's criteria for involvement in IDP situations, the role that the Office will play and its correlation with the inter-agency collaborative approach established within the UN system, particularly with the ERC and the IDP Unit.

**Intervention(s):**

Ms Cohen contended that UNHCR's role should be to express willingness to become involved in IDP situations, to apply the criteria for involvement more consistently (currently there is a lack of predictability), to pay greater attention to Africa and to the reintegration of refugees globally (so as to prevent them becoming IDPs), and to develop collective arrangements with other agencies, especially OHCHR. Mr. Bettocchi explained that UNHCR has no general mandate for IDPs. The current criteria for involvement comprise the link between the IDP situation and refugees. If criteria for operational involvement are not met, interagency collaboration should always be effective with UNHCR providing non-operational support; mainly on protection related issues. There is a need to assess UNHCR's involvement on a case-by-case basis. Mr. Maldonado, from OCHA, mentioned that Mr Lubber's letter to Mr Oshima indicated the possibility for open dialogue, and was welcomed. He further explained the role and tasks of the IDP Unit. The central question is how to ensure more predictability, pointing to the field operations, where it is needed most.

**Discussion:**

IDP action must not undermine asylum possibilities. IDPs are acknowledged as a human rights issue. Taking Colombia as an example, there is a lot of potential for UNHCR-OHCHR collaboration. The mandates are distinct but complementary. To a call for more NGO involvement, it was indicated that the IDP Unit realised that more effort was needed. Building up national institutions (civil society) is also important for protection issues. It was argued that IDP protection might undermine refugee protection, however this should not lead to the absence of the former's protection. Besides criteria, UNHCR should be looking at areas of potential involvement and specific protection related activities (registration, return, monitoring, etc.). From a conceptual point of view, it is difficult for UNHCR to resettle IDPs in third countries. The country of origin is responsible, although UNHCR could always offer a 'good offices' intervention.

**Conclusion(s):**

Hope was expressed that the collaborative approach would work. Support from big agencies is crucial. More involvement, means more effectiveness.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
	1	2	3	4	1	2	3	4	1	2	3	4
1 v. poor – 4 v. good												
IDPs: Developments in IDP Protection		1	7	6			8	6			6	8
27 Participants												

**10. Refugee Security: Integrated Approaches to a Complex Challenge**

**Moderator:** Mr Alan Vernon, Emergency Preparedness & Response Section, UNHCR

**Speaker(s):** Ms Sharon Cooper, Department of International Protection, UNHCR

Ms Elissa Golberg, DFAIT, Government of Canada

Mr Iain Hall, Emergency & Security Service, UNHCR

**Objective(s):**

Share and discuss UNHCR's most recent initiatives to enhance the security of refugees including strengthened partnership with governments, provision of capacity-building expertise to governments, the Agenda for Projection, and new ExCom conclusions.

**Intervention(s):**

An overview of the challenge and complexity of addressing insecurity in refugee situations was provided. Key points included the importance of addressing insecurity in an integrated

manner which includes the legal, material and physical dimensions of security, the need for host governments to assume their responsibility for ensuring security of refugees, and the need for donor governments and UNHCR to support capacity building efforts for host governments.

**Discussion:**

Interventions from participants included the importance of the link between physical well-being and security and thus the need for appropriate standards of humanitarian assistance, the importance of locating camps away from borders while recognising that camps away from borders still may be insecure, the importance of women's participation in all aspects of measures to enhance the security of refugees, the importance of advocacy and support for UNHCR in its efforts to address insecurity effectively, and the importance of registration. With respect to registration and the collection of personal data, the important point was made of the need to protect the civil rights of refugees.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
	1	2	3	4	1	2	3	4	1	2	3	4
1 v. poor – 4 v. good												
Refugee Security		1	6	3			7	3		1	4	5
31 Participants												

## 11. Setting Standards for Learning

**Moderator:** Ms Nan Buzard, Sphere Project

**Speaker(s):** Mr Mike Alford, Staff Development Section, UNHCR  
Mr Rory Downham, BioForce  
Mr Jonathan Potter, People In Aid

**Objective:**

Understand the possible learning definitions and methods (at individual, organisational and sector-wide levels) and communicated to ExCom (including member states and other actors) the importance of learning and the support of it within the sector.

**Intervention(s):**

The implications of statistics regarding training is that it leads to very little behaviour change. Thus, how can organisations determine change and how to responsibly ensure a good return on investment? Donors demand better trained staff and staff request learning, which all goes to benefit the beneficiaries. Therefore, why are organisations not doing more training? Due to lack of time, money, etc. This leads to more questions – should agencies have a formal body to provide training? Should trainers be accredited? What would standards for learning (individual/institutional) or training be?

**Discussion:**

Too often, being an expert just means you come from far away. Training needs to be more country/context specific and local expertise recognised. Good learning comes when someone helps one to know how to learn, explore or be educated on one's own.

**Conclusion(s):**

Learning happens in many ways and training may not be the answer to all problems. Organisations must support staff so that they can effectively deliver what they learn. Some subjects need teaching, some debate and some hands-on. Individuals should match their learning goal with the best methodology and with the most appropriate tool. There is great value in bringing together domains of expertise at the interagency level – perhaps moving towards sector-shared learning and establishing standards (through a professional

association?). Before training takes place, an assessment must be done to identify the existing capacities and the needs. Too often, “experts” talk at and do not facilitate learning.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
	1	2	3	4	1	2	3	4	1	2	3	4
1 v. poor – 4 v. good												
Setting Standards for Learning		2	5	2		1	4	4		2	4	3
22 Participants												

## 12. Prevention of Sexual Exploitation: IASC Plan of Action and UNHCR’s Code of Conduct

**Moderator:** Mr Joel McClellan, Steering Committee for Humanitarian Response

**Speaker(s):** Mr Mike Alford, Staff Development Section and Code of Conduct Project Team Leader, UNHCR  
Ms Lisa Jones, Office for the Coordination of Humanitarian Affairs

### Objective:

Explore humanitarian agencies’ responses to the issue of sexual exploitation and to identify the major issues and problems experienced by agencies. Introduce and discuss the UNHCR Code of Conduct.

### Intervention(s):

OCHA, as the Co-Chair of the IASC Task Force, outlined the work done by the Task Force since the West Africa incident, culminating in the issuance of the Plan of Action in July 2002. Mention was made to the draft Secretary General’s Bulletin on the IASC Plan which included the “six principles”, albeit with a few minor changes. The Task Force viewed the “six principles” as absolutely “minimal standards” and that higher standards in individual agency Codes of Conduct were welcome. UNHCR outlined the history of UNHCR’s Code of Conduct, the process behind it and linked its development to the IASC Plan of Action. Important aspects of the UNHCR Code, the Notes and the Facilitator’s Guide were highlighted.

### Discussion:

Generally the efforts of UNHCR to develop the Code were welcomed and the discussion provided constructive feedback on some of the difficulties and potential ambiguities.

Referring to Commitment No.7 of UNHCR’s Code, some NGOs felt that the language could be more categorical and enquired whether UNHCR did in fact have an absolute prohibition on relations with beneficiaries or not. One agency stated that in “power relations it is impossible to have non-exploitative relations”. Another NGO spoke from direct field experience where all abuse cases involved claims that relations had been consensual. In the end, the interpretation of the relationship would be purely “legalistic”.

Many NGOs have their own Codes of Conduct and conveyed their own experiences. One NGO referred to hard lessons learned from sexual exploitation incidents. Whilst dealing with the issue, it led to the identification of a number of underlying systemic problems, i.e. failure of management oversight, need for closer supervision in the field, lack of resources, lack of confidential reporting mechanisms for refugees and inadequate procedures for aid distribution. Throughout the discussion, it was acknowledged that Codes require ongoing and consistent commitment throughout an organisation to be effective. Concern was expressed at using the Code to improve the public image. NGOs urged UNHCR to see the Code as a tool for joint action and not as a self-protective mechanism.

The points above will be particularly important as UNHCR reviews the potential inclusion of the Code into its contracting instruments with partners. Accordingly, NGOs invited UNHCR to consult them on the process of applying the Code to UNHCR's implementing partners and to treat this as a real partnership rather than an imposition on them by UNHCR. It was stressed that having a Code and providing training is only the beginning. True adherence comes from procedures, accountabilities, enforcement and a change in organisational culture.

Issues of implementation were discussed, such as the linkages to career progression and contracts as well as the expectation that all staff will sign the Code.

#### **Conclusion(s):**

It is not possible to have a single code but it is possible to have core principles of behaviour. Prohibiting sexual exploitation or relations with children is easy, but it becomes more problematic with beneficiaries. There needs to be wider participation in preparing a response to the OIOS report. Unequal power leads to exploitative relations. The present crises point to a failure of management oversight. Work is in progress regarding the relationship of implementing partners to the code. Codes and action plans can be used to mobilise resources.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>				
	1	2	3	4	1	2	3	4	1	2	3	4	
1 v. poor – 4 v. good													
Prevention of Sexual Exploitation	1	1	8	10	1	1	7	11	2	1	3	14	
62 Participants													

### **13. HIV/AIDS and Refugees: A problem ignored for too long**

**Moderator:** Dr Hakan Sandblad, International Federation of Red Cross & Red Crescent Societies

**Speaker(s):** Dr Manuel Carballo, International Center for Migration and Health  
Ms Raffaella Ravinetto, Médecins Sans Frontières  
Dr Paul Spiegel, Health & Community Development Section, UNHCR

#### **Objective:**

Discuss key strategies to combat HIV/AIDS in refugee settings and determine how to better utilise capacities of other organisations within UNHCR.

#### **Recommendations:**

- Increase consultation with NGOs in development and implementation of HIV/AIDS strategies and programmes by UNHCR for refugees and other persons of concern.
- Find better means for wider circulation of the UNHCR HIV/AIDS strategic plan to UN organisations, governments, NGOs and other international agencies.
- Clarify, disseminate, and act on UNHCR's position regarding "compulsory" HIV testing for third country resettlement.
- Ensure that repatriation policies take into account the ethical and medical implications of non-continuity of HIV/AIDS treatments, such as anti-retrovirals, that have begun in host countries.
- Improve knowledge of the impact of HIV/AIDS interventions (prevention and treatment) by incorporating surveillance (behavioural and biological) activities as well as improved monitoring and evaluation among refugee populations.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
	1	2	3	4	1	2	3	4	1	2	3	4
1 v. poor – 4 v. good			6	10			9	7		1	7	8
HIV/AIDS and refugees												
45 Participants												

#### 14. Geographic Information Systems: Tool for Planning & Coordination

**Moderator:** Mr Andrew Mayne, Population & Geographic Data Section, UNHCR  
**Speaker(s):** Mr Jean-Yves Bouchardy, Geographic Information & Mapping Unit, UNHCR  
 Mr Franklin Broadhurst, International Rescue Committee  
 Mr Craig Duncan, Office for the Coordination of Humanitarian Affairs

**Objective:**

To discuss how geographic information and tools like GIS and satellite imagery can play an innovative role to enhance planning and co-ordination in refugee operations.

**Intervention(s):**

The added value from GIS includes accurate mapping for decision making, improved communication, improved co-ordination between projects and sectors, advocacy, intra- and inter-agency collaboration, standard methods for monitoring success and failure, a good way of documenting work carried out in the field, and improved preparedness for the future, including institutional memory.

Appropriate methods, standards and scales during data collection exercises must be applied for information management to be efficient. GIS can be applied from local to global level and the focus can be multi- or single-sector. Humanitarian Information Centres (HICs) are established in key operations for which GIS play a core part in information management. Training is a key component to ensure sustainable and high quality data collection. UNHCR training to NGOs in the field has seen the foundation for partnerships and efficient sharing of information and end-product maps. Standards such as P-codes and support from HICs are important to collect quality information for inclusion in a GIS. The Global Unique Identifier (GLIDE) concept attributes a unique identification code for each disaster, which can be used to retrieve specific information.

Main challenges comprise support from managers at both the operational and organisational level, competition for funds (internally and among agencies), identifying skilled staff, and inconsistencies in data and non-standard collection methods leading to a false impression. People tend to take what they see on a map as "true". However, a map is only as good as the data that goes into producing it. Standardisation continues to be a challenge.

**Discussion:**

Accuracy assessment depends on the scale of the information and its applications. UNHCR typically operates with maps at scales from 1M to 50k. UNHCR trains in GPS usage, simple mapping techniques and GIS software, which can take one to two months, depending on the background of the trainees. Military/security constraints may hamper usage of satellite imagery and GPS in the field. This also concerns the protection of refugees and IDPs if what can be perceived as sensitive information is distributed in the field.

Satellite imagery resolution typically varies from 1 km (free data) to 15 m (\$600 for 200 km by 200 km scene) and 0.7 m (\$2,000 for 10 km by 10 km scene). Access to satellite imagery is expected to improve with increasing competition and nations launching their own military



and commercial satellites. Standard data collection emerged as a common denominator applicable to the work of NGOs.

**Conclusion(s):**

Important considerations for GIS to be an effective information management tool for planning and co-ordination purposes in field operations are:

- The integrity of the information being used;
- The availability of information, especially at the early stages of an operation;
- Standardisation of information collection and distribution;
- Training of staff and partners in standard, shared methodologies.

Once satisfactorily addressed, these elements make co-operation between partners for joint assessment and information sharing possible. Effective networking between GIS specialists of various organisations, and agreement between organisations on standards and collaborative approaches, can further enhance the usefulness of the tools.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>				
	1	2	3	4	1	2	3	4	1	2	3	4	
1 v. poor – 4 v. good													
GIS: Tool for Planning & Coord.			6	2			3	5		1	4	2	
22 Participants													

## 15. Evaluations and Humanitarian Accountability

**Moderator:** Mr Wayne McDonald, International Committee for the Red Cross

**Speaker(s):** Mr Arafat Jamal, Evaluation & Policy Analysis Unit, UNHCR  
Ms Susanna Söderström, Humanitarian Accountability Project

**Objective:**

Review the linkage between evaluation and humanitarian accountability and identify key issues surrounding evaluation and accountability.

**Interventions:**

The Humanitarian Accountability Project (HAP) defines accountability as involving two sets of principles and mechanisms: 1) those by which individuals, organisations and states account for their actions and are held responsible; and 2) those by which individuals, organisations and states may safely and legitimately report concerns, complaints, and abuses and get redress where appropriate. Evaluation is defined as (reference to ALNAP) a "systematic and impartial examination of humanitarian action intended to draw lessons, to improve policy and practice and enhance accountability." Linking evaluation to accountability has its limitations, including the lack of beneficiary involvement and voice in evaluation, little reporting back to beneficiary regarding evaluation findings, etc. A self-regulatory system can be advocated where evaluation could play an important and substantial role.

UNHCR posed a provocative question - "Is UNHCR an accountable organisation?" At one level it meets minimum accountability obligations to the UN and donor organisations, but this is not sufficient. Accountability at its most basic revolves around explaining, and being held accountable for, one's actions vis-à-vis a responsible authority. In UNHCR's case, one can say that it is accountable *for* the effective discharge of its mandate for international protection and solutions to the international community (GA) that entrusted it with this mandate, and to the refugees for whom it is expected to work.

Evaluation can support this core responsibility by addressing two basic questions: "are we doing the right thing," and "are we doing things in the right manner." Together with inspection, audit and protection oversight, it is a key component of UNHCR's oversight and accountability architecture. Evaluation can assist in enhancing accountability by means of the following: through the provision of credible information; by encouraging the spread of an evaluation culture; and through the use of participatory techniques. Evaluation at UNHCR is not compliance-driven, but rather depends on vigorous discussions of findings and subsequent ownership to ensure implementation.

UNHCR makes use of three principal strategies to operationalise the link between humanitarian accountability and evaluation: 1) greater transparency (making evaluation reports public so that stakeholders are better informed); 2) increased openness (making better use of reports and taking organisations to task for their performance); and 3) more inclusiveness - which encourages more participatory self evaluations. Challenges in the future will revolve around pinning down the recurring question of authority (to make decisions) and responsibility (for when those decisions go wrong) and better documenting cause and effect relationships.

#### **Discussion:**

Participants called for a conceptual distinction to be made between policy dialogue (such as the global consultations) and participatory self-evaluations, and welcomed publicising evaluations in order to keep pressure on the organisation to follow-up and act upon the findings, thus ensuring evaluation reports do not end up on the shelf. The challenge of participatory evaluation continues to revolve around how agencies can engage in a 'conversation' with beneficiaries taking into account the significant difference in 'power relationships.' Evaluation of community standards versus those of assistance is worth considering, as well as activities 'to separate armed elements'. The linkage between the identification of needs, budget and evaluation also needs to be strengthened.

#### **Conclusion(s):**

The topic was considered important and the presentations timely. Unfortunately, NGOs had little to offer on either the issue of accountability or evaluation. This in itself suggests that NGOs are not ready to fully engage on these issues, perhaps have had limited experience with evaluation, and are maybe at the beginning stage of a reflection process on the implications and meaning of accountability/evaluation for their respective organisations. The question posed by UNHCR remains on the table: "Are humanitarian organisations indeed accountable organisations?" On what basis can such a claim be either supported or denied?

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
1 v. poor – 4 v. good	1	2	3	4	1	2	3	4	1	2	3	4
Eval. & Humanit. Accountability		3	5	5		3	6	4		4	5	4
45 Participants												

## **16. Partnership: National NGO Perspective**

**Moderator:** Ms Mariette Grange, International Catholic Migration Commission

**Speaker(s):** Ms Askale Binega, Africa Humanitarian Action (Rwanda)

Mr Mamadou Ndiaye, Office Africain pour le Développement et la Coopération, Senegal

#### **Objective:**

Using the outcome of two recent sub-regional reviews of NGO-UNHCR partnerships to reflect on partnership issues.

**Interventions/Discussion:**

Three keywords emerged – shared responsibility, transparency and accountability. Partnership involves national and international NGOs, UNHCR and governments. It is a two-way system. Lack of funding is a big issue that hinders NGO action. However, partnership should not be solely based on a funding relationship with UNHCR. Local and international NGO co-ordination is important for sustainability. Good case studies of NGO-UNHCR partnership are found in Bosnia & Herzegovina with women's issues and in Austria to counter xenophobic legislation. Some countries in Africa described poor cases of partnership due to lack of support, moral and otherwise, from UNHCR. The strength of PARinAC is that it provided a process for exchange and collaboration.

**Recommendations:**

- More national NGOs should be given the possibility to attend Pre-ExCom and other international fora.
- International NGOs should co-ordinate and undertake capacity building of local NGOs to ensure longer-term sustainability. International NGOs should be more self-critical and accountable.
- National NGOs should be more proactive in collaborating amongst themselves.
- NGO Liaison Unit should work with national NGOs to implement Plans of Action and to engage with national NGOs and assist with exchange visits.
- UNHCR globally should train NGOs in protection, involve them in budget negotiations, and facilitate the bringing together of national NGOs and government, particularly in post-war situations (e.g. in Bosnia & Herzegovina).
- ICVA should post national plans of action on the PARinAC website.
- National NGOs need to be more informed about, and involved in issues at a global level.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
	1	2	3	4	1	2	3	4	1	2	3	4
1 v. poor – 4 v. good												
Partnership: National NGO Perspective	1	4	10	5		3	14	8		7	5	8
36 Participants												

## 17. Procurement and Asset Management: Recent developments for implementing partners

**Moderator:** Mr Jiddo van Drunen, Supply Management Service, UNHCR

**Speaker(s):** Mr Geoff Wordley, Asset Management, UNHCR  
Mr Mats Hultgren, Procurement Unit, UNHCR

**Objective:**

Discuss Implementing Partner Procurement Guidelines and their implementation. Discuss asset management in UNHCR and its objectives and developments. Overview of implementing partner procurement.

**Intervention(s):**

Procurement. Explanation of volume of procurement by UNHCR and IPs. The IPs carry out up to 50% of total procurement done globally by UNHCR. In an emergency, up to 80% of the total budget is procurement compared to 40% for annual programmes.

Asset Management. The importance of good management of assets and the asset inventory to UNHCR and partners. Disposal routines including the volume of potential redeployments, i.e. redeployment of assets within serviceable life only, and depreciation over time.

**Discussion:**

The timber pipeline to Afghanistan was considered to be too slow. It was clarified that the timber purchased internationally has, due to, a longer start up period at the initial phase a certain delay. However, all timber purchased internationally was now delivered. The pipeline right now would represent locally purchased timber by IPs and UNHCR Afghanistan. UNHCR is providing training on the new procurement guidelines. UNHCR mandate includes building capacity into local NGOs when phasing out of an operation. Some assets may therefore be transferred to local NGOs. However, the operational needs of UNHCR globally are always to be taken into account prior to local disposal being approved. Why did UNHCR retain old assets in country for long periods without disposing? New rules for the Asset Management Boards give more authority to the field to streamline disposal procedures.

**Conclusion(s):**

There was considerable interest in IP procurement guidelines and asset management issues. Participants were invited to contact the Supply Management Service with any further queries.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>				
	1	2	3	4	1	2	3	4	1	2	3	4	
1 v. poor – 4 v. good													
Procurement and Asset Management			4			1	1	2		1			3
12 Participants													

**18. Reception of Asylum Seekers**

**Moderator:** Ms Beth Ferris, World Council of Churches

**Speaker(s):** Ms Eileen Pittaway, Asian Women’s Human Rights Council  
Mr Volker Turk, Department of International Protection, UNHCR  
Mr Jacob Van Garderen, Lawyers for Human Rights

**Objective:**

The issue of reception of asylum seekers is one of this year’s ExCom conclusions and the session provided a forum to voice different NGO and UNHCR perspectives.

**Intervention(s):**

Resources and public attitudes shape government policy. South African NGOs support a Rollback Xenophobia Campaign that focuses on issues including the status determination system, asylum-seeker access and detention. The Australian government’s policies include efforts to prevent asylum-seekers from arriving, detention, temporary protection visas, return policy, forced repatriation and the Pacific solution. UNHCR acknowledged the increased use of detention, the lack of global standards, different interests towards reception plans, and the insertion of refugee and human rights law in question of reception standards.

**Discussion:**

The content of the ExCom conclusions was questioned. There is a need for a human rights framework and there is a fear of the Australian model being replicated elsewhere. The security of asylum-seekers in countries where governments do not make determination was questioned as well as the use of the term “misuse of asylum”. Guidelines lose their usefulness when governments continually argue them. It was acknowledged that UNHCR needs help to conduct an analysis of secondary movements and root causes. It is also important to look at reception standards in the south.

**Conclusion(s):**

NGOs call for the establishment of public evaluation of state compliance with the 1951 Convention and that governments match their spending in keeping asylum seekers out with support for UNHCR.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
1 v. poor – 4 v. good	1	2	3	4	1	2	3	4	1	2	3	4
Reception of Asylum Seekers		1	9	18			13	15		1	9	18
56 Participants												

**19. WFP/UNHCR MOU: The new developments**

**Moderator:** Mr Graham Miller, CARE International

**Speaker(s):** Mr Claude Jibidar, World Food Programme

Ms Laura Lo Castro, Health & Community Development Section, UNHCR

**Objective:**

Provide insight and details of the 4<sup>th</sup> revision of the WFP/UNHCR Memorandum of Understanding (MOU) signed in July 2002 and address key issues for the NGO community in relation to clauses contained within the revised MOU.

**Intervention(s):**

- Enhance self-sufficiency and promotion of self-reliance opportunities.
- More emphasis on the need to jointly pursue durable solutions.
- More attention to gender and age considerations and maximum participation of women (80% of direct beneficiaries).
- Regular and better updates on refugee and beneficiary statistics. Donors want better figures. This will involve implementing partners.
- More regular and timely exchange of information on the food and non-food pipelines. Better planning. New information needs to be shared ahead of time to alleviate disrupting the pipeline.
- More focus on the impact of HIV-AIDS. Promotion of prevention and care activities.
- Whenever the caseload exceeds 5,000 persons in a country, WFP should be involved in providing food.
- Joint Needs Assessment Missions (as opposed to joint food assessment missions – the issue is much broader than food).
- More focus on joint monitoring activities and the involvement of and feedback from NGOs.

New scope for collaboration of needs:

- Joint assessment of needs for which guidelines, announced in 1997, are being finalised. Very often NGO participation is taken for granted.
- Technical support for post-distribution monitoring activities; including the technical capacities of NGOs.
- Technical Support for household food economy and food security assessments.
- Joint commitment to adhere to the respective codes of conduct, which is mentioned in the MOU. Distribution is a risk activity and therefore caution is paramount.

**Discussion:**

MOUs signed at headquarters' levels need to be filtered out to the field level. Often, it is the MOUs signed at the country levels that have 'teeth' and work well. UNHCR has been thinking about additional rations with regard to HIV/AIDS. Milk powder is no longer distributed following recommendations from UNICEF and WHO as it can create more

problems (i.e. need for clean water, etc.). The MOU differs to previous ones because WFP is now directly responsible for the final distribution of food - together with the implementing partners (it used to be UNHCR) – in five pilot countries. Concern was expressed at the absence of the right to food being explicitly mentioned. UNHCR confirmed that DIP was involved throughout the process.

### Challenges

- Evolving situations - there are new emergencies, of unprecedented sizes and complexity. The challenge is to be able to adapt.
- Enhance co-ordination and partnership with NGOs to distil the high competition for scarce resources and to do better work.

Rating	Presentation				Content				Usefulness			
	1	2	3	4	1	2	3	4	1	2	3	4
1 v. poor – 4 v. good												
WFP/UNHCR MOU: New developments			1	5		1	1	4			3	3
35 Participants												

## Regional Sessions

### 20. Africa Bureau

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

**Speaker(s):** Mr David Lambo, Director, UNHCR

**Objective:**

Overview on developments in Africa with a focus on durable solutions, in particular voluntary repatriation. Exchange of information and ideas between the Bureau and NGOs in Africa.

**Interventions:**

Voluntary repatriation in Angola, Eritrea, Somalia and Sierra Leone. Developments in Liberia, Northern Sudan, Ivory Coast and Zimbabwe. Protracted refugee situations and the need to address them. Funding problems for programmes in Africa. Post recovery programmes for returnees.

**Discussion:**

Uganda and Sudan

Recent attacks to refugee camps in Northern Uganda and the continued fighting in the region are very worrying. Despite the deteriorating security situation, it may be impossible to move all the refugees to a safer area and UNHCR confirmed that it is discussing with the Ugandan Government, particularly on efforts to increase security for the refugees.

Eritrea

Some of the refugees in Sudan have been in exile for 40 years, raising questions with regard to their eventual repatriation. UNHCR plans to invoke the cessation clause at year-end for Eritrean refugees world-wide. Individual status determination is on going for those who have well-founded reasons for not returning home.

Eastern Congo and Rwanda

There was concern about the involuntary return of refugees from Rwanda to Northern Kivu, DRC. UNHCR was holding bilateral discussions on this issue with the Government of Rwanda.

Protection

Protection continues to be the main focus of UNHCR's activities in Africa. Sufficient field presence is essential to fulfil the Organisation's protection mandate.

Resettlement

UNHCR hopes that the regional resettlement ‘hubs’ of Pretoria, Nairobi and Accra will be up and running before year-end. Some donor countries (e.g. the USA) have agreed to fund some of these positions. Resettlement is an important durable solution and it contributes towards international burden sharing.

Urban refugees

Working with urban refugees is labour intensive and requires significant resources. In the past refugees in Africa were frequently given land, but many countries are now reluctant to do so and the number of urban refugees has grown. Urban refugees often have protection and social problems and UNHCR needs the NGO community to help address this.

Separation of armed elements

UNHCR was questioned on its role and collaboration with ICRC, ECOWAS and DPKO in the Liberian crisis. The governments in Sierra Leone and Guinea are particularly concerned about armed elements infiltrating camps and crossing the border with civilian refugees. Unable to separate armed elements in Guinea, the government has asked that refugees be removed from the ‘Parrot’s Beak’ border area to the savannah belt further inland, at enormous cost to UNHCR. In a similar case, the Tanzanian police force was strengthened in the refugee camps to try to help address the issue of armed elements – a major concern to the Tanzanian Government.

Voluntary repatriation

Refugees are returning to Sierra Leone, however more attention needs to be paid to the post-conflict reconstruction and rehabilitation. The two-month food supply given by WFP to returnees is inadequate. A proper recovery programme is needed for which the NGOs are in a position to advocate with their constituencies. At the same time, the deterioration of the situation in Liberia could further impact regional stability in the Mano River countries. The Angola repatriation should commence next year from Zambia, DRC and Namibia. Landmines remain a major problem inside Angola.

Funding

There was general concern about the funding of UNHCR and humanitarian programmes in Africa in general. There is a need to better analyse the generally declining funding situation for humanitarian organisations, including NGOs, particularly those working in Africa.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
	1	2	3	4	1	2	3	4	1	2	3	4
1 v. poor – 4 v. good												
Africa	1	5	7	5		4	8	6		4	8	6
52 Participants												

**21. Asia-Pacific Bureau**

**Moderator:** Ms Eileen Pittaway, Asian Women’s Human Rights Council

**Speaker(s):** Mr Jean-Marie Fakhouri, Director, UNHCR

**Objective:**

To review developments in the region, including asylum issues and the NGO-UNHCR relationship. To pursue an open discussion between regional NGOs and UNHCR on matters of mutual concern.

**Intervention(s):**

Good news from the region:

- Refugees are now returning to East Timor and the process of reconstruction is underway. Cessation expected by the end of the year.
- There is light at the end of the tunnel for Sri Lankan IDPs and refugees in India. The peace process is encouraging and voluntary return is underway.

- The news is less positive in other areas, in particular in Nepal, where 100,000 Bhutanese refugees languish in camps after ten years, and in Bangladesh where there is another protracted situation involving refugees from Myanmar. Attempts are underway to ascertain why refugees are not repatriating despite their expressed desire to do so. UNHCR expects refugees to opt for voluntary return or other options by mid-2003

**Discussion:**

Sri Lanka and East Timor. While the news is good, the return of IDPs and refugee populations poses considerable challenges. In East Timor, donor development aid has not been as generous as initially hoped for. The peace process in Sri Lanka is still not fully secured.

Return of refugees from the Asia-Pacific region to Afghanistan. Governments should not be precipitous in returning refugees and over-strain the reception and absorption capacity of emerging nations or those recovering from the effects of war. Some Afghan refugees still have genuine fears of persecution.

Thai/Myanmar border. The country hosts a large refugee population and there are important protection issues. Thailand is not a signatory to the 1951 Convention. UNHCR shares NGO concerns and is in productive dialogue with the Government.

**Conclusion(s):**

The situation of North Koreans in China poses one of the major challenges to UNHCR in the region. The interception of asylum-seekers and the diversion of these to Indonesia were severely stretching resources but resettlement of these persons is increasing on the rise. Places need to be found for refugees still in detention in Pacific countries. The disappointing response of the Indonesian Government following the murder of three UNHCR officers was taken up by UNHCR. Action was promised but the issue is still unresolved.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
1 v. poor – 4 v. good	1	2	3	4	1	2	3	4	1	2	3	4
Asia-Pacific			3	3			2	4			2	4
19 Participants												

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

**Moderator:** Ms Manisha Thomas, International Council of Voluntary Agencies

**Speaker(s):** Mr Ekber Menemencioglu, Director, UNHCR

**Objective:**

- Clarity on contingency planning around Iraq - what is being done around borders? Will borders be kept open?
- Given the push by several governments to return Afghans, what is UNHCR doing to ensure that returns are voluntary?

**Intervention(s):**

The 1.7 million Afghan refugees that returned since March are having a social and economic impact on the country. UNHCR does not believe it has created a pull factor via its assisted repatriation programme: there is a genuine wish on the part of people to return. While we cannot say “Afghanistan [as a whole] is not safe to return to,” we should be careful about returns, and ensure that people have full knowledge of the situation in their home areas. The CASWANAME region has a large refugee population. There have traditionally been large refugee population movements in the region and countries throughout the region have looked after those in need. NGOs have been active throughout the region and UNHCR expresses its gratitude for their work with refugees.



**Discussion:**Advocacy

UNHCR was asked to clarify its advocacy role, particularly with regard to the reduction of services to refugees in Iran and the fact that conditions in Pakistan are not always conducive to return. UNHCR's advocacy is often done behind closed doors. However, it would be useful, and helpful, if UNHCR could be more open with NGOs about what issues they are actually advocating on with governments.

Palestinian Refugees

The question of who would take responsibility for the protection of Palestinian refugees in the West Bank and Gaza Strip was raised. While UNRWA has a mandate for relief assistance for Palestinian refugees, they have no protection mandate. UNHCR's Statute stipulates that persons receiving protection from other UN agencies are excluded from UNHCR's mandate. As such, the protection of Palestinian refugees within the UNRWA area of operations is an issue that lies within the purview of the international community.

Iraq

On the question of contingency planning by UNHCR in the case of a possible attack on Iraq, it was felt that for UNHCR to discuss the issue would not be appropriate considering that the organisation is closely following developments in New York and elsewhere, and is supporting UN efforts to peacefully resolve the present situation.

Afghanistan

UNHCR is in charge of the Programme Secretariat for refugees and IDPs in Afghanistan but does not have the means to carry out IDP assistance programmes entirely on its own. An important element of UNHCR's work involves monitoring - returnees and IDPs. With regard to UNHCR's role in Afghanistan, the difference between "active promotion" and "facilitation" of return was queried. While UNHCR is providing information for States, it is not providing active counselling. However, some States, such as Iran, are taking out the negative aspects provided by UNHCR in terms of information, before it is provided to Afghan refugees. Given the enforcement agenda of Western countries, there is a fear that the UK could set a model for other countries in terms of large-scale deportations of rejected asylum-seekers. What has been seen recently, is a climate in which asylum has been deteriorating. As such, the role of advocacy is particularly important.

Some countries have suggested that UNHCR consider the cessation clause. Some countries have even suggested a Comprehensive Action Plan (CAP) for Afghan refugees. However, the question remains as to how willing they will be to put the money required into setting up systems to ensure the dignified return of refugees, which also means verifying the voluntariness of return. UNHCR indicated that measures were in place to do just that.

UNHCR's position on Chechen refugees

Clarity was requested on UNHCR's position with regard to Chechen refugees in Central Asia, where some governments are arguing that Chechens have an "internal flight alternative," and, therefore, are not considered refugees. Chechens are advocated for by UNHCR and are a population of concern. However, as noted by an NGO representative, one UNHCR officer said that Chechen asylum seekers in a Central Asian country were not in need of international protection.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
	1	2	3	4	1	2	3	4	1	2	3	4
1 v. poor – 4 v. good												
CASWANAME	2	4		3	1	2	4	2	1	2	3	3
32 Participants												

### 23. Americas Bureau

**Moderator:** Ms Mary Pack, InterAction

**Speaker(s):** Ms Marta Juarez, Mr Manuel Jordao, Mr Jozef Merckx and Mr Luis Varese, Bureau for the Americas, UNHCR

**Objective:**

Discuss and compare “Partners in Protection Networks” across the Americas, looking at those that are well developed, those emerging and those at beginning stages. Solicit input from NGOs on the effectiveness of these networks, what is working and what can be done better. Address questions and concerns related to refugees and asylum seekers in the region.

**Intervention(s):**

North America. The impact of 11 September had led to a decrease in resettlement numbers in the USA. Legislation has also been affected in the guise of the Refugee Protection Act passed in Canada and the MOU between Canada and the USA currently being considered.

Central America. Mexican government assumed RSD responsibilities. The highest number of Colombian refugees in Latin America is found in Costa Rica. New approaches need to be found to deal with this. Salvador has introduced new refugee legislation.

South America. The collapse of the peace process in Colombia brought a 100% increase in displacement since the same time in 2001. The Humanitarian Plan of Action is a positive development. Ecuador has seen an increase in asylum-seekers. Positive developments in Brazil as a new resettlement opportunity in the region and there have been new arrivals from Afghanistan. Refugee law was adopted in Paraguay.

The Partners in Protection Network was first developed in 1999 jointly with refugee-interest NGOs, church organisations, unions, human rights groups and others to work on refugee rights such as non-refoulement, access to asylum processing, legal assistance, etc. Networks vary between countries. Views were asked on the concept, how to strengthen it, modalities that could be used, and mechanisms for building public support.

**Discussion:**

UNHCR is exploring opening an office in Panama. However, the possibility to expand UNHCR presence throughout the Americas is dependent on resources, hence the importance of the protection networks. Although such partnership is a positive idea, there are instances where more direct UNHCR involvement is needed. Also, States need to be held responsible to adhering to the 1951 Convention and its Protocol. Post-11 September has led to more restrictive asylum policies throughout the region, i.e. increase in detention of asylum-seekers (e.g. US/Mexico), less resettlement, cumbersome and prolonged screening for security clearance, etc. UNHCR favours the implementation of bilateral agreements, such as Sweden and Chile and Sweden and Uruguay to receive and resettle persons at risk in Colombia. Concern was voiced over the restrictive nature of the Canada/USA MOU, and there will be a need to follow its implementation closely. The situation in Bolivia is of concern particularly with regard to women and children.

**Conclusion(s):**

The Partners in Protection Networks are work-in-progress and input is needed from those involved in order for them to be more effective and, according to NGOs, more direct involvement from UNHCR. However, UNHCR has limited resources and can not therefore have an actual presence everywhere in the region, hence why the networks are so critical. Civil society can play a major role with UNHCR’s guidance. There is also a need to discuss the responsibilities of States to abide by the refugee instruments, particularly since 11 September. NGOs wishing to join the network in Colombia should contact field offices there.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
1 v. poor – 4 v. good	1	2	3	4	1	2	3	4	1	2	3	4
Americas		3	1	3		2	2	3		2	1	3
37 Participants												

## 24. Europe Bureau, including South Eastern Europe

**Moderator:** Ms Areti Sianni, European Council on Refugees and Exiles

**Speaker(s):** Mr Raymond Hall, Director, UNHCR

**Objective:**

Focus on the asylum debate in Western Europe, developments in Eastern Europe with specific emphasis on the situation in the Caucasus, and UNHCR's role in South Eastern Europe.

**Intervention(s):**

In the wake of 11 September, the debate on asylum in Europe has been negative with media and politicians using asylum to exacerbate the negative climate. A key challenge for NGOs and UNHCR is to maintain government focus on protection. The EU humanitarian process is very slow. Progress has been made in Central Europe in establishing asylum systems. The challenge is now making those systems work and facilitating refugee integration. UNHCR has been operational in Eastern Europe with IDP in North and South Caucasus. The development of strong asylum systems is also a priority. UNHCR plans to phase out post-Dayton activities in South Eastern Europe.

**Discussion:**

Questions were raised in relation to the situation with the Roma asylum-seekers, enlargement and the effect of the EU migration control measures on asylum-seekers in Central Europe, and UNHCR's involvement in South Eastern Europe and future plans for phasing out work with IDPs. UNHCR's strategy to increase its visibility in Europe and facilitating legal access to protection for refugees in Europe was also discussed.

<i>Rating</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
1 v. poor – 4 v. good	1	2	3	4	1	2	3	4	1	2	3	4
Europe		3	7	4	1	2	8	3		3	7	4
41 Participants												

## Plenary Session

### 25. Mr Nils Kastberg, Director of Emergency Operations, UNICEF

Ms Daisy Dell, Deputy Director of the Division of Operational Support introduced Mr Kastberg as a longstanding friend to UNHCR and that his intervention was timely in view of the strengthened collaboration between UNICEF and UNHCR.

Mr Kastberg emphasised that UNICEF's relationship with NGOs is fundamental to its work. The need to challenge each other is reflected in the differing expectations and roles. He offered a reflection on the fact that *we are here to serve and protect people of concern together*.

We are here to SERVE

Our responsibility to protect and assist those in need implies conducting oneself accordingly. Allowing others to do harm and exploit their power over people of concern must not happen

again. Ignorance can no longer be used as an excuse. The IASC principles should guide us in our work, and the Plan of Action, endorsed by all heads of agencies in July 2002, must now be implemented.

We are here to serve and PROTECT

Assistance and protection are inter-linked and, in the delivery of their work, humanitarian workers can and have an obligation to protect refugees and ensure their rights. This is not easy in the current climate, but progress is being made.

We are here to serve and protect PEOPLE OF CONCERN

The bulk of the people of concern comprise women and children, many of whom were born and have grown up in refugee camps – a whole generation. This should not be tolerated in the face of politically motivated action.

We are here to serve and protect people of concern TOGETHER

The IASC system provides an important platform for voicing opinions, which should be replicated at the country level. There is a need to become stronger advocates and to take part in dialogue that involves NGOs and governments. Need to embrace the reality on the ground. The people of concern do not need more committees – they need action.

## Linkage to ExCom

### 26. Briefing to ExCom Members on proceedings of Pre-ExCom 2002

**Moderator:** Mr Hajime Kishimori (Japan), Rapporteur to ExCom

**Rapporteur:** Mr Joel McClellan, Steering Committee for Humanitarian Response

Mr McClellan provided a summary of the Pre-ExCom sessions to members of ExCom. He commended this year's Pre-ExCom as having finally produced a structure that worked, not only to provide valuable opportunities for exchange, but also to discover the resources and experiences of other NGOs. Indeed, NGOs have something to offer as opposed to only asking and shifting the responsibility. He expressed difficulty at turning a colourful mosaic, representing the various sessions, into a black and white picture. His summary was structured under seven areas:

- High Commissioner's statement
- Protection
- Operational discussion
- Response to sexual exploitation
- Accountability
- IDPs
- Collaboration

Interventions were made from ExCom members representing Japan, the USA, Mexico, Australia and Norway focusing on accountability, collaboration and protection. Discussion on accountability emphasised the difference between managerial and operational accountability by incorporating standards and indicators (i.e. Sphere) as a tool for meeting operational needs and measuring performance. NGOs were encouraged to state when operational standards can not be met. NGOs use the ExCom Conclusions as a mechanism to hold governments accountable. Government-NGO collaboration differs between countries. The need for national NGOs to participate in international fora to share experiences and obtain knowledge of their resources is important. It is good not to lose sight of the individual roles, mandates, resources, etc that make up the humanitarian arena. The ideal collaboration triangle would comprise UNHCR, NGOs and governments, thus leading to concrete results. A plea was made to governments not to diminish their financial support to UNHCR, despite the decline in refugee numbers. On the contrary, their support is needed more to deal with the complexities of operations. Protection and community services sectors are grossly under funded.

The Pre-ExCom Rapporteur provided two Pre-ExCom briefings to ExCom members during ExCom - informally on Tuesday morning, 1 October, and formally on Thursday, 3 October. Furthermore, the NGOs made several formal statements to ExCom, which are annexed to this report.

## **Pre-ExCom Closing**

### **27. Mr Kamel Morjane, Assistant High Commissioner**

Mr Morjane thanked the NGOs for their substantial contribution to the debate and issues of Pre-ExCom. He focused his intervention on three themes.

#### Partnership

The West Africa situation was a wake-up call for UNHCR and the need for UNHCR, partners and governments to work together. This was reflected in the working group led by the Chairperson of ExCom, which comprised not only states, but also NGOs and UN agencies. Good collaboration was seen at the field level, but this level of co-operation should be encouraged at headquarters' levels.

#### Resources

UNHCR is experiencing perhaps its worst financial situation. Income has not reached its expectations and this is having an overall negative impact. This unpredictable funding situation also affects the NGOs. In order to be a reliable partner, UNHCR needs a stable funding base. The High Commissioner has made this his priority. Gratitude was expressed to the NGOs for whatever they could do to help UNHCR at this time, including reflecting on the organisation's priorities, and raising bilateral funds for joint programmes.

#### New challenges

The NGOs and UNHCR need to find new ways of working in a changed world in which refugees are a political rather than a humanitarian matter. The Agenda for Protection was a product of the Global Consultations and the NGOs are needed to help implement it. Sustainable durable solutions are another challenge, as well as the establishment of standards. New challenges need new actions and policies. The High Commissioner's 2004 initiative covers many issues such as the Agenda for Protection, governance, UNHCR and other UN agencies, the gap between assistance and development, and the structure of UNHCR. All these are subject to consultation with partners, including NGOs.



## **Annexes**

- I. Programme of Pre-ExCom Consultations with Non-Governmental Organisations**
- II. List of Participants by Organisation**
- III. Summary of Participants' Evaluation of Pre-ExCom**
- IV. 53<sup>rd</sup> Session of ExCom - NGO Contribution to the General Debate**
- V. 53<sup>rd</sup> Session of ExCom – Statement of NGOs on International Protection**
- VI. 53<sup>rd</sup> Session of ExCom – Statement of NGOs on Programme, Administrative and Financial Matters**





**Annex I**

**Programme of Pre-ExCom Consultations with Non-Governmental Organisations**

**25 – 27 September 2002  
Palais des Nations, Geneva, Switzerland**

**Wednesday, 25 September 2002**

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

**Room XVII Opening session with**

Mr Craig Sanders, Co-ordinator, NGO Liaison Unit, UNHCR

Mr Ed Schenkenberg, Co-ordinator, International Council of Voluntary Agencies

**11h00 – 12h00 Plenary Session** (interpretation English-French-Spanish)

**Room XVII Address by**

Mr Ruud Lubbers, United Nations High Commissioner for Refugees

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

**Room XVII Address by**

Ms Erika Feller, Director of the Department of International Protection, UNHCR

**13h30 – 15h00 Working Sessions** (no interpretation)

**Room XXIII Staff Security**

This session will provide an opportunity to discuss current developments on staff security, including new initiatives in UNHCR and NGO security training.

Moderator: Mr Randy Martin, International Rescue Committee

Speaker(s): Ms Carla van Maris, Field Safety Section, UNHCR

**Room XXIV Standards and Indicators Debate: Current thinking**

This session will offer highlights of current developments with the Sphere Project, as well as some current thinking by UNHCR on standards and indicators of both assistance and protection.

Mr Ed Schenkenberg, International Council of Voluntary Agencies

Moderator: Ms Nan Buzard, Sphere Project

Speaker(s): Mr Laurens Jolles, Department of International Protection, UNHCR

Mr Mengesha Kebede, Programme Coordination & Operations Support, UNHCR

**15h00 – 16h30 Working Sessions** (interpretation English-French-Spanish)

**Room XXIII Role of NGOs in Protection: putting the Agenda for Protection into action**

Raise awareness of the implications of the Agenda for Protection for NGO work in the field.

Exchange views on how NGOs can participate actively in the process of establishing priorities for implementation of the agenda at national and regional levels.

Moderator: Mr Ed Schenkenberg, International Council of Voluntary Agencies

Speaker(s): Ms Margaret Green, International Rescue Committee

Ms Eve Lester, Amnesty International

Mr José Riera, Department of International Protection, UNHCR

**Room XXV Financing Humanitarian Operations**

An overview of UNHCR's funding sources and trends with an aim to providing NGOs with a better understanding of UNHCR financial problems and funding mechanisms.

Moderator: Ms Agnes Callamard, Humanitarian Accountability Project

Speaker(s): Mr David Harland, Office for the Coordination of Humanitarian Affairs

Mr Ian Smillie, Tufts University

Mr Jean-Noel Wetterwald, Donor Relations & Resource Mobilisation Section, UNHCR

**16h30 – 18h00 Working Sessions** (interpretation English-French-Spanish)**Room XXIII *IDPs: Recent developments in IDP protection***

To share information on, and discuss, UNHCR's criteria for involvement in IDP situations, the role that the Office will play and its correlation with the inter-agency collaborative approach established within the UN system, particularly with the ERC and the IDP Unit

Moderator: Ms Elisabeth Rasmusson, Norwegian Refugee Council

Speaker(s): Mr Guillermo Bettochi, Department of International Protection, UNHCR

Ms Roberta Cohen, Brookings Institution

Mr Carlos Maldonado, Office for the Coordination of Humanitarian Affairs

**Room XXIV *Refugee Security: Integrated Approaches to a Complex Challenge***

What is meant by refugee security? Whose responsibility? How to operationalise the rhetoric? These are questions the session will address.

Moderator: Mr Alan Vernon, Emergency Preparedness & Response Section, UNHCR

Speaker(s): Ms Sharon Cooper, Department of International Protection, UNHCR

Mr Iain Hall, Emergency & Security Service, UNHCR

Ms Elissa Golberg (Canada)

**Room XXV *Setting Standards for Learning***

Approaches to best practice in learning and training have changed dramatically in recent years. Return on investment, learning impact, workplace learning, just-in-time learning and e-learning are some of the topical catch phrases. Are humanitarian agencies keeping up with these trends? Are we, the humanitarian agencies different? Are we doing learning well? Can we set some common standards for learning and training? These are some of the questions this session will address.

Ms Nan Buzard, Sphere Project

Moderator: Mr Mike Alford, Staff Development Section, UNHCR

Speaker(s): Mr Jonathan Potter, People In Aid

Mr Rory Downham, Bioforce

## Thursday, 26 September 2002

**10h00 – 11h30 Working Sessions** (interpretation English-French-Spanish)**Room XXIII *Prevention of Sexual Exploitation: IASC Plan of Action and UNHCR's Code of Conduct***

This session will provide highlights of the work of the IASC Working Group, as well as the development of UNHCR's own Code of Conduct.

Moderator: Mr Joel McClellan, Steering Committee for Humanitarian Response

Speaker(s): Mr Mike Alford, Staff Development Section, UNHCR

Ms Lisa Jones, Office for the Coordination of Humanitarian Affairs

**Room XXIV *HIV/AIDS and Refugees: A problem ignored for too long***

Although populations affected by war are presumed to have a higher risk of HIV infection than stable populations, little has been done to understand how HIV/AIDS programmes must be adapted to meet their unique circumstances. The session will discuss the various risk factors for HIV transmission among displaced populations and how programmes should be implemented as well as monitored and evaluated to meet their specific needs.

Moderator: Dr Hakan Sandblad, International Federation of Red Cross and Red Crescent Societies

Speaker(s): Dr Manuel Carballo, International Center for Migration and Health

Ms Raffaella Ravinetto, Médecins sans Frontières

Dr Paul Spiegel, Health & Community Development Section, UNHCR

**Room XXV *Geographic Information Systems: Tool for Planning and Co-ordination***

Information exchange, development of indicators and standards are crucial components for improved management and co-ordination within field operations. How can geographic information and tools like GIS and satellite images play an innovative role?

Moderator: Mr Andrew Mayne, Population & Geographic Data Section, UNHCR

Speaker(s): Mr Jean-Yves Bouchardy, Geographic Information & Mapping Unit, UNHCR

Mr Franklin P. Broadhurst, International Rescue Committee

Mr Craig Duncan, Office for the Coordination of Humanitarian Affairs

**11h30 – 13h00 Working Sessions** (interpretation English-French-Spanish)**Room XXIII** *Evaluations and Humanitarian Accountability*

This session will focus on the benefits of evaluation and its link with accountability, as well as the role NGOs have in both these areas.

Moderator: Mr Wayne McDonald, International Committee for the Red Cross

Speaker(s): Ms Susanna Söderström, Humanitarian Accountability Project  
Mr Arafat Jamal, Evaluation & Policy Analysis Unit, UNHCR

**Room XXIV** *Partnership: National NGO perspective*

Partnership – what does it really mean? From the national NGO perspective, discuss the role of UNHCR and the NGOs, and international and national NGOs in effective partnership.

Moderator: Ms Mariette Grange, International Catholic Migration Commission

Speaker(s): Ms Askale Binega, Africa Humanitarian Action, Rwanda  
Mr Mamadou Ndiaye, Office Africain pour le Développement et la Coopération, Senegal

**Room XXV** *Procurement and Asset Management: Recent developments for implementing partners*

Address the developments in UNHCR's procurement and asset management policies and their implications on NGOs. Discuss the Asset Management system and reporting procedures. Learn about the new implementing partner procurement guidelines and the process of pre-qualification.

Mr Jiddo van Drunen, Supply Management Service, UNHCR

Moderator: Mr Mats Hultgren, Procurement Unit, UNHCR

Speaker(s): Mr Geoff Wordley, Asset Management, UNHCR

**13h30 – 15h00 Working Sessions** (no interpretation)**Room XXIII** *Reception of Asylum Seekers*

The issue of reception of asylum seekers is one of this year's ExCom conclusions and this session will provide different NGO and UNHCR perspectives.

Moderator: Ms Beth Ferris, World Council of Churches

Speaker(s): Mr Jacob Van Garderen, Lawyers for Human Rights  
Ms Eileen Pittaway, Asian Women's Human Rights Council  
Mr Volker Turk, Department of International Protection, UNHCR

**Room XXIV** *WFP/UNHCR MOU: The new developments*

Overview of the recent revision of the UNHCR/WFP global Memorandum of Understanding and its implication for the NGOs. Discuss the new challenges facing all partners dealing with food aid and related assistance programmes.

Moderator: Mr Graham Miller, CARE International

Speaker(s): Mr Claude Jibidar, World Food Programme  
Ms Laura Lo-Castro, Health & Community Development Section, UNHCR

**15h00 – 16h30 Regional Sessions****Room XVII** *Africa Bureau*

(interpretation English-French)

An overview on developments in Africa, focusing especially on voluntary repatriation (Sierra Leone, Eritrea, Angola, Somalia) and other new developments such as the Liberia emergency and Northern Uganda. Standards of assistance and funding, sexual exploitation, and NEPAD include other topics to be addressed.

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

Speaker(s): Mr David Lambo, Director, UNHCR

**Room XXIV** *Asia-Pacific Bureau*

(interpretation English-French)

A discussion on various developments in the region, including the Montagnards, the NGO-UNHCR relationship and the e-Centre.

Moderator: Ms Eileen Pittaway, Asian Women's Human Rights Council

Speaker(s): Mr Jean-Marie Fakhouri, Director, UNHCR

**Room XXV** *Central Asia, South West Asia, North Africa & the Middle East Bureau*  
(interpretation English-French-Arabic)  
A review of the state of asylum and developments in the CASWANAME region.  
Moderator: Ms Manisha Thomas, International Council of Voluntary Agencies  
Speaker(s): Mr Ekber Menemencioglu, Director, UNHCR

**16h30 – 18h00** **Regional Sessions**

**Room XXIII** *Americas*  
(interpretation English-Spanish)  
Address the issue of "Protection Networks and Responses in the Delivery of Protection in the Americas". Exchange ideas on new ways for national society to assume full responsibility for providing protection and assistance and achieving durable solutions for refugees.  
Moderator: Ms Mary Pack, InterAction  
Speaker(s): Ms Marta Juarez, Americas Bureau, UNHCR  
Mr Manuel Jordao, Americas Bureau, UNHCR  
Mr Jozef Merkx, Americas Bureau, UNHCR  
Mr Luis Varese, Americas Bureau, UNHCR

**Room XXIV** *Europe including South Eastern Europe*  
(interpretation English-French)  
The session will focus on the asylum and migration debate in Western Europe, the sense of crisis this is generating amongst Governments and the implications this has for the role of UNHCR. Eastern Europe will be concentrate on the situation in the Caucasus, related security issues, and the contribution of regional process to protection and solutions in the broader Eastern European region. The focus for South East Europe will be on UNHCR's evolving role, with the progressive phase down of post-Dayton obligations and the strengthened focus on capacity building in the asylum field.  
Moderator: Ms Areti Sianni, European Council on Refugees and Exiles  
Speaker(s): Mr Raymond Hall, Director, UNHCR

**Friday, 27 September 2002**

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

**Room XVII**  
Guest speaker: Mr Nils Kastberg, Director of Emergency Operations, UNICEF  
Moderator: Ms Daisy Dell, Division of Operational Support, UNHCR

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

**Room XVII** *Summing up by Pre-Excom Rapporteur*  
Mr Joel McClellan, Steering Committee for Humanitarian Response

**11h00 – 12h30** **Plenary Session** (interpretation English-French-Spanish)

**Room XVII** *Linkage to ExCom*  
Briefing to ExCom Members on proceedings of the Pre-ExCom 2002  
Moderator: Mr Hajime Kishimori (Japan)  
Rapporteur: Mr Joel McClellan, Steering Committee for Humanitarian Response

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

**Room XVII** *Pre-ExCom Closing*  
with Mr Kamel Morjane, Assistant High Commissioner

## Annex II

### Participants by Organisation

**Action Contre La Faim, France**

Mr. Pierre Gallien  
Mr. Stephen Williams

**Africa Humanitarian Action, Ethiopia**

Dr. Dawit Zawde

**Africa Humanitarian Action, Rwanda**

Ms. Askale Binega

**African Concern, France**

Mr. Cecil Kpenou

**Agency for Rehabilitation and Energy-Conservation, Afghanistan**

Mr. Aminulhaq Mayel

**Aktion Afrika Hilfe, Germany**

Mr. Wossen Taye

**Al-Eslah Society, Bahrain, Kingdom of**

Mr. Khalid Mohamed Alqattan

**Al-Wafa Charity Society for Human Services and Relations, Libya**

Mr. Ramadan G. Elsabae  
Mr. Mohamed Elmadani  
Mr. Fid Elmrabet

**All Africa Conference of Churches, Togo**

Mrs. Vivi Akakpo

**Alter Modus, Yugoslavia, Federal Republic of**

Mr. Igor Vukcevic

**American Joint Distribution Committee, Switzerland**

Mr. Daniel Lack

**Amnesty International, United Kingdom**

Mrs. Daphné Bouteillet-Paquet  
Ms. Eve Lester  
Mr. Klaus Dik Nielsen  
Ms. Pia Oberoi

**Anglican Mission Development Ministries, Gambia**

Rev. Dr. Tilewa Johnson

**Asian Women's Human Rights Council, Australia**

Ms. Kerry Blackwell  
Ms. Diana Goldrick  
Dr. Eileen Pittaway  
Ms. Linda Roslyn Steele

**Arab Organisation for Human Rights, Switzerland**

Mr. Nazar Abdelgadir Salih

**Asyl In Not, Austria**

Mr. Michael Genner

**Australian National Committee on Refugee Women, Australia**

Ms. Lisa Marano  
Ms. Deborah Raphael  
Ms. Bea Teakle  
Ms. Olivia Wellesley-Cole

**Australian Refugee Rights Alliance, Australia**

Ms. Jacqueline A. Ashton  
Ms. Leonie Kyriacou  
Mr. Alexander Nicholas

**Baha'i International Community, Switzerland**

Mr. Rayan Rouhani

**Bangun Mitra Sejati, Indonesia**

Ms. Ancilla Murdyastuti

**BioForce, France**

Mr. Rory Downham

**Bosnia & Herzegovina Women's Initiative, Bosnia & Herzegovina**

Mrs Marijana Dinek

**British Red Cross, United Kingdom**

Mrs. Pamela Hussain

**British Refugee Council, United Kingdom**

Ms. Julia Purcell  
Mr. Richard Williams

**Brookings Institution, USA**

Ms. Roberta Cohen

**Bureau on Legal and Social Assistance  
to Refugees, Kyrgyzstan**  
Ms. Cholpon Djakupova

**Canadian Centre for Victims of  
Torture, Canada**  
Mr. Mulugeta Abai

**Canadian Council for Refugees, Canada**  
Ms. Catherine Balfour  
Ms. Cecile Jacobs

**Canadian Lutheran World Relief,  
Canada**  
Mr. Fikre M. Tsehai

**CARE Canada, Canada**  
Mr. Nicolas Palanque

**CARE International, Switzerland**  
Mr. Graham Miller

**Caritas, Australia**  
Mr. Christopher J. Scott-Murphy

**Caritas Internationalis, Italy**  
Mr. Jean Grob

**Centre Independant de Recherches et  
d'Initiatives pour le Dialogue,  
Switzerland**  
Mr. Déo Hakizimana

**Caritas, Sweden**  
Mr. George Joseph

**Centro de Investigacion y Promocion de  
los Derechos Humanos, Honduras**  
Mrs. Reina Auxiliadora Rivera Joya

**Christian Children's Fund, Switzerland**  
Mrs. Caroline Caravellas

**Christian Life Community, Switzerland**  
Ms. Francoise Dubosson

**Citizens' Alliance for North Korean  
Human Rights, Korea**  
Mr. Won-Woong Lee

**Comision Espanola de Ayuda Al  
Refugiado, Spain**  
Mr. Mauricio Valiente Ots

**Comité Belge d'Aide aux Réfugiés,  
Belgium**  
Mrs. Christine Flamand

**Conference of Leaders of Religious  
Institutes, Australia**  
Ms. Jackie Keegan

**Consejo Latinoamericano de Iglesias,  
Colombia**  
Rev. Milton Mejia

**Consultoria Para los Derechos  
Humanos y El Desplazamiento,  
Colombia**  
Mr. Moises Medrano Bohorquez

**Cooperazione E Sviluppo, Italy**  
Mr. Luca Aiolfi

**Counselling Centre for Integration,  
Czech Republic**  
Mr. Marek Cechovsky

**Croix-Rouge Guinéenne, Guinea**  
Mrs. Fatoumata Doumbouya

**DanChurch Aid, Denmark**  
Mrs. Janie Eriksen

**Danish Refugee Council, Denmark**  
Mr. Niels Bentzen  
Mr. Andreas Kamm  
Mrs. Anne la Cour Vaagen

**Diocese De Mahagi, Uganda**  
Mr. Pierre Tshibamba Ilunga Wenda

**East Timorese Women Against Violence  
and for Children Care, East Timor**  
Ms. Maria Olandina Caeiro Alves

**Enfants Réfugiés du Monde, France**  
Mrs. Nicole Dagnino

**Episcopal Migration Ministries, USA**  
Mr. Richard Parkins

**Espana Con Acnur, Spain**  
Ms. Maria Siemens

**European Council on Refugees and  
Exiles, United Kingdom**  
Ms. Areti Sianni

**European Partnership of Relief  
Organisations, France**  
Mr. Robin MacAlpine

**Finnish Red Cross, Finland**  
Ms. Leena-Kaisa Aberg

**Finnish Refugee Council, Finland**

Mrs. Arja Ramö-Touray

**Food for the Hungry International, Switzerland**

Mrs. Diana Choa

**Forum Refugiés, France**

Mr. Olivier Brachet

**Forut, Sri Lanka**

Mr. Paul Henrik Kielland

**Friends World Committee for Consultation, Switzerland**

Mrs. Rachel Brett

**Fundacion de Ayuda Social de las Iglesias Cristianas, Chile**

Mr. Juan Salazar Fernandez

**Glob'Actions, France**

Mr. Jacques Duplessy

Mr. Joel Ollivier

**GOAL, Ireland**

Mr. Raymond Jordan

**Greek Council for Refugees, Greece**

Ms. Hari Brisimi

**Group 484, Yugoslavia, Federal Republic of**

Mr. Vesna Golic

**HODI, Zambia**

Ms. Chileshe Chilangwa-Collins

**Heartland Alliance for Human Needs and Human Rights, USA**

Ms. Mary M. McCarthy

**Hebrew Immigrant Aid Society, USA**

Mr. Mark Hetfield

**Human Rights Watch, USA**

Ms. Alison Parker

**Humanitarian Accountability Project, Switzerland**

Ms. Agnes Callamard

Ms. Susanna Söderström

**Humanitarian Center for Integration and Tolerance, Yugoslavia, Federal Republic of**

Mr. Ratko Bubalo

**Hungarian Helsinki Committee, Hungary**

Ms. Judh Juhasz

Mr. Ferenc Koszeg

**Individuell Manniskohjälp, Sweden**

Mr. Stefan Johan Olof Holmström

**Institute For The Study Of International Migration, USA**

Ms. Susan Martin

**InterAction, USA**

Ms. Mary Pack

**International Aid Sweden, Uganda**

Mr. Julius Bitamazire

**International Association of Jewish Lawyers and Jurists, Switzerland**

Mr. Daniel Lack

**International Catholic Migration Commission, Switzerland**

Mr. Dale Buscher

Mr. William Canny

Ms. Aileen Crowe

Mrs. Mariette Grange

Ms. Christina Oelgemöller

Ms. Sarah Stephens

**International Center for Migration and Health, USA**

Dr. Manuel Carballo

**International Committee for the Red Cross, Switzerland**

Mr. Wayne McDonald

**International Consortium for Refugees, Iran**

Mrs. Nazanin Kazehi

**International Council of Voluntary Agencies, Switzerland**

Mr. Ed Schenkenberg

Ms. Manisha Thomas

**International Council of Jewish Women, Switzerland**

Ms. Rachel Babecoff

**International Council of Women, Switzerland**

Mrs. Jeannine M. de Boccard

**International Council on Jewish Social Welfare Services, Switzerland**

Mr. Daniel Lack

**International Federation of Red Cross and Red Crescent Societies, Switzerland**

Mr. Kristof Fernandez

Dr. Hakan Sandblad

Ms. Fatima Touare

Mr. Maximilien Zimmermann

**International Federation Terre des Hommes, Switzerland**

Ms. Eylah Kadjar-Hamouda

**International Institute of Humanitarian Law, Switzerland**

Prof. Jovan Patrnogic

**International Islamic Relief Organisation, Saudi Arabia**

Dr. Adnan K. Basha

**International Islamic Relief Organisation, Switzerland**

Mrs. Fawzia Al-Ashmawi

**International Rescue Committee, Switzerland**

Mr. Joseph Louis Aguetant

Ms. Margo Rayment

**International Rescue Committee, USA**

Mr. Franklin Broadhurst

Mrs. Margaret Green-Rauenhorst

Mr. Randolph Martin

Ms. Jacquelyn Mize-Baker

**International Save the Children Alliance, Switzerland,**

Ms. Helena Gezelius

**International Social Service, Switzerland**

Mr. Damien Ngabonziza

**Intersos, Italy**

Mr. Lucio Melandri

**Islamic African Relief Agency, Sudan**

Mr. Fath Elrahman Elgadi

Mr. Mohamed Suliman

**Islamic Relief, Switzerland**

Mr. Jamal Krafess

**Italian Refugee Council, Italy**

Mr. Christopher Hein

**Jesuit Refugee Service, USA**

Mr. Shep Lowman

**Jesuit Refugee Service, Switzerland**

Ms. Christine Bloch

**Joint Relief Ministry, Egypt**

Mr. Mark Bennett

**Kairos Refugees and Migration Program, Canada**

Ms. Marnie Hayes

**Lawyers Committee for Human Rights, USA**

Ms. Eleanor Acer

**Lawyers for Human Rights, South Africa**

Mr. Jacob van Garderen

Ms. Sophie Marie van Garderen

**Legal Aid Foundation of Basl, Sri Lanka**

Mr. Srimega Wijeratne

**Liberians United To Serve Humanity, Liberia**

Mr. Albert Lombeh

**Lithuanian Red Cross, Lithuania**

Mrs. Diana Bartkute

Ms. Migle Cirbaite

**Lutheran World Federation, Eritrea**

Mr. Arthur J. Hoeyen

**Lutheran World Federation, Switzerland**

Mr. John Damerell

Mr. Lemma Degefa

Mrs. Roswitha Dinger

Mrs. Catherine Feller

Mrs. Shirley Goldine

Mr. Robert Grange

Mr. Hanns P. Polak

Mr. Neville Pradhan

**Médecins Sans Frontières, Switzerland**

Ms. Raffaella Ravinetto

**Médecins Sans Frontières International, Switzerland**

Mr. Philippe Couturier



**Media Action International,  
Switzerland**

Mr. David Breed  
Ms. Silke Ebsen  
Ms. Rosita Ericsson  
Ms. Katja Fluckiger  
Mrs. Gloria Gaggiol  
Ms. Nora Geige  
Mr. Edward Girardet  
Mrs. Marill D'Onofrio Hindaoui  
Mr. Edouard Markiewiez  
Mr. Jonathan Walter

**Medical Care Development  
International, Switzerland**

Ms. Joyce Jett

**Menedek - Hungarian Association for  
Migrants, Hungary**

Mr. Endre Sik  
Mr. Andra's Kovats  
Mr. Roland Gyekiss

**Middle East Council of Churches  
Committee for Refugee Work, Lebanon**

Mr. Konstantine El Dabbagh

**Migrants Rights International,  
Switzerland**

Ms. Genevieve Gencianos  
Ms. Emily Lovrien

**Movement Against Racism and for  
Friendship Among Peoples, France**

Mr. Gianfranco Fattorini

**Myanmar Maternal and Child Welfare  
Association, Myanmar**

Dr. Tin Linn Myint  
Dr. New Oo

**National Council of Churches in  
Australia, Australia**

Mr. John Ball

**National Red Crescent Society of  
Turkmenistan, Turkmenistan**

Mrs. Rozyke Karimova

**Norwegian Refugee Council, Norway**

Ms. Elisabeth Rasmusson  
Mr. Raymond Johansen  
Mr. Bjarte Vandvik

**OCHA, Switzerland**

Mr. Craig Duncan  
Mr. David Harland

Ms. Lisa Jones  
Mr. Carlos Maldonado

**Office Africain pour le Développement  
et la Coopération, Senegal**

Mr. Mamadou Ndiaye

**Organisation de la Société Civile  
Africaine, Switzerland**

Mr. Awa N'Diaye

**Organisation pour le Développement  
Intégré Communautaire, Guinea**

Mr. Abdoulaye Bademba Bah  
Mr. Mamadou Oury Bah  
Mr. Kadiatou Barry  
Ms. Mariama Diallo

**Oxfam, United Kingdom**

Mr. Yousif El Tayeb El Nour  
Mr. Paul Sherlock

**People In Aid, United Kingdom**

Mr. Jonathan Potter

**Government of Canada, Canada**

Ms. Elissa Golberg

**Permanent Mission of Japan,  
Switzerland**

Mr. Hajime Kishimori

**Portuguese Refugee Council, Portugal**

Mrs. Maria Teresa M. T. de Moraes

**Presbyterian Church, USA**

Mr. John Robinson

**Primate's World Relief & Development  
Fund, Anglican Church of Canada,  
Canada**

Ms. Elisabeth Musa

**Qatar Charitable Society, Qatar**

Mr. Abdel Rahman Abudoom  
Mr. Mohammed Al-Azba  
Mr. Ali Alhajri  
Mr. Abdullh Al Nameh

**Red Crescent for United Arab  
Emirates, United Arab Emirates**

Dr. Saleh Altaee

**Refugee Advice Centre, Finland**

Mr. Thomas Bergman

**Refugee Assistance, Japan**

Ms. Shin Ohara

**Refugee Council of Australia, Australia**  
Ms. Margaret Piper

**Refugee Legal Centre, United Kingdom**  
Mr. Barry Stoye

**Relief to Development Society, Tanzania**  
Mr. Oswald Kasaizi

**RHQ Foundation for the Welfare & Education of the Asian People, Japan**  
Mr. Shin Ohara

**Rissho Kosei-Kai, Switzerland**  
Mr. Kazuhiro Yoshinaga

**Romanian Forum for Refugees and Migrants, Romania**  
Mr. Cristian Lazar

**Romanian National Council for Refugees, Romania**  
Mr. Nicolae Carcu

**Salvation Army, United Kingdom**  
Major Anthony J. Smyth

**Save the Children Norway, Norway**  
Mrs. Eva-Torill Jacobsen

**Save the Children Sweden, Sweden**  
Mr. Hans E. Lind

**Secours Populaire Français, France**  
Mr. Jean Marchal

**Serbian Democratic Forum, Yugoslavia, Federal Republic of**  
Mr. Dusan Edimovic

**Society of Citizens Assisting Migrants, Czech Republic**  
Mr. Cristian Popescu

**Socio-Legal Information Centre, India**  
Mr. Colin Gonsalves

**Solar Cookers International, Switzerland**  
Dr. Sonia Heptonstall

**Soroptimist International, Switzerland**  
Ms. Inger S. Nordback

**Sphere Project, Switzerland**  
Ms. Nan Buzard

**Steering Committee for Humanitarian Response, Switzerland**  
Mr. Joel McClellan

**Swiss Agency for Development and Cooperation Network, Yugoslavia, Federal Republic of**  
Mr. Branislav Cubriho

**Thai Catholic Commission on Migration, Thailand**  
Mr. Daniel Boyd  
Mr. Zaw Min  
Mr. Dickson Ntwiga

**Tufts University, USA**  
Mr. Larry Minear  
Mr. Ian Smillie

**Union Aid for Afghan Refugees, Germany**  
Dr. Toryalai Nassery

**United Church of Canada, Canada**  
Mrs. Heather Macdonald

**UN Development Programme, Geneva**  
Ms. Brigitte Mountain

**UNICEF, USA**  
Mr. Nils Kastberg

**UN Non-Governmental Liaison Service, Switzerland**  
Mr. Tony Hill

**United Nations Volunteers, Switzerland**  
Ms. Deborah Verzuu

**Vicaria de Pastoral Social, Chile**  
Mr. Eduardo Rojas

**Voluntary Organisations in Cooperation in Emergencies, Belgium**  
Ms. Kathrin Schick

**Webster University, Switzerland**  
Ms. Anna Chapuis  
Ms. Hareeta Cunniah  
Mr. Otto Hieronymi  
Ms. Chiara Jasson  
Ms. Ekaterina Lapshina  
Ms. Alexia Schinasi  
Ms. May Mi Than Tun

**Women's Commission for Refugee Women and Children, USA**  
Ms. Darla Silva

**World Council of Churches, Switzerland**  
Dr. Elizabeth Ferris

**World Food Programme, Italy**

Mr. Dely Belgasmi

Mr Claude Jibidar

Ms. Jutta Weitzel

**World Islamic Call Society, Libya**

Mr. Mohamed Hakimi

**World Jewish Congress, Switzerland**

Mr. Daniel Lack

**World Union of Catholic Women's  
Organisations, Switzerland**

Mrs. Ursula Barter-Hemmerich

**World Vision International,  
Switzerland**

Mr. Thomas Getman

**World Vision Japan, Japan**

Mr. Kazushito Takase

**World Vision Zambia, Zambia**

Mr. Martin Silutongwe

**Yugoslav Red Cross,  
Yugoslavia, Federal Republic of**

Mr. Radomir Krstic

Ms. Vesna Milenovic

**Zambia Red Cross Society, Zambia,**

Mr. Kelvin Chiposwa



## Annex III

### Summary of Participants' Evaluation of Pre-ExCom

This evaluation is based on the response of 44 participants. Approximately 260 participants registered for Pre-ExCom, therefore the findings of the 44 respondents (or 17% of the total) can be considered somewhat representative, but not necessarily conclusive. 27 respondents attended the Pre-ExCom Consultations for the first time.

The overall rating for Pre-ExCom was positive. In particular, participants were satisfied with the quality and informality of the sessions, which promoted more inter-action, although the venue was not considered conducive to round-table discussions. Several participants appraised the structure of the agenda but complained about it being too tight, leaving little time for effective networking, to eat lunch, and even to move between sessions. Some participants would have liked to attend all three sessions being held at the same time. Others recommended dropping the working sessions held at lunchtime to leave more time for networking.

The working sessions were found to be very informative and often yielded a good debate. The regional sessions were generally appreciated and found useful. For all sessions, participants felt that more time could have been allotted to questions and answers and to reach recommendations that could feed into the plenary session on the linkage to ExCom. Audio-visual presentations were preferred over talking. Some participants felt that the regional sessions should have a mix of characters, i.e. other bureau staff, refugees, etc.

Throughout the evaluation, participants made specific comments on the lack of diversity amongst the panelists, both in gender and culture. Also, the absence of NGOs from developing countries, both in number and in active participation, was noticeable.

The table below provides some indication of the degree of satisfaction of Pre-ExCom 2002. The rating for the individual sessions is provided after each summary in the report.

Rating 1 = very poor, 2 = poor, 3 = good, 4 = very good	Presentation				Content				Usefulness			
	1	2	3	4	1	2	3	4	1	2	3	4
Structure of the Agenda		1	12	20		1	16	14		3	13	17
Overall quality of the sessions		1	22	11			20	14		1	20	16
Venue			10	16			11	14			11	14
Opportunity to network		3	11	13		3	9	11		4	13	14
Overall organisation of Pre-ExCom			11	16			14	13			14	17

Further below in the participants' own words are comments on the working and regional sessions, as well as general comments on Pre-ExCom 2002 and recommendations for Pre-ExCom 2003. Comments have been grouped in the sequence of positive, negative and recommendations. The brackets following the theme indicate the number of respondents based on the 44 who completed the evaluation form.

## Working Sessions (25)

- ◆ Generally good, presentations well prepared.
- ◆ I found most sessions informative if not always relevant to Asia-Pacific. I was pleased to listen and hear questions.
- ◆ Very well organised. The Moderators and Speakers generally are prepared and attend the questions and suggestions.
- ◆ Good.
- ◆ Very high quality. Well informed speakers. UNHCR staff were impressive. The spirit was also collegial and constructive. Appreciated the time reserved for questions and answers.
- ◆ These were opportunities to have detailed, focused discussions, including dialogue on operational matters.
- ◆ I found them good. Those with audio-visual presentation were a little better re getting data info explained.
- ◆ They are good.
- ◆ Very good presentations.
- ◆ Excellent content. Some speakers talked too long (perhaps inevitable) limiting opportunities for discussion. But overall, new format allows greater opportunity for interactive discussions
- ◆ All the sessions were a great eye opener. The concerns raised on sexual exploitation by aid workers are valid and need all of our diligence and commitment
- ◆ Interesting and a lot of information
- ◆ Very good. Informality was very positive for purposes of making interventions
- ◆ The Standards & Indicators: too narrow a focus.
- ◆ The Sexual Exploitation Prevention: lack of any sensitivity to the victims - almost denial of human rights of these numerous refugee women: The responsibility to protect the perpetrator and perhaps the organisation of perpetrator had far too much focus. What is the obligation of the perpetrator and the "organisational perpetrator" to the sexually abused victims? Men should not be allowed to side step this extremely offensive behaviour towards women.
- ◆ Alarming references by more than one UNHCR Rep. to "misuse/abuse" of asylum program. While this is obviously true, too often it is used by Governments as justification for harsh border protection regimes. In this regard, I feel that UNHCR has a responsibility to constructively address the issue of protection.
- ◆ I was surprised by lack of involvement from countries from the "South". I saw no presentations from non-European or non-American participants. This is alarming especially given the dire concerns faced by NGOs there. I was also aware of lack of questions from certain NGOs. The exchange of viewpoints and discussion was absolutely the most valuable part. I am concerned about capital determining agenda despite assurances that this doesn't occur.
- ◆ The working sessions did not have enough time allotted; some of the issues being dealt with are mistakes done in the past. So time to find where things went wrong is paramount.
- ◆ A pity that NGOs from the South are too few and do not participate enough.
- ◆ Sometimes not enough time for interactive questions, answers, comments. Sometimes, several working sessions I was interested to participate in were running at the same time.
- ◆ Extremely bad quality of sound. Nearly impossible to hear speakers interventions.
- ◆ The mix of speakers could be more diverse. Noticeable lack of input from "the South" - A source of a major proportion of asylum seekers and thus also many learned people
- ◆ Keep time at end for recommendations from the participants to be shared at Plenary. Encourage the speakers to use alternative/supplementary communication and presentation methods i.e. slides, pictures, handouts.

- ◆ Attended the session on NGOs and Agenda for Protection. Was well organised. Maybe not enough time for extensive discussion on the vast array of issues on this subject. Would suggest that a whole three hours be allotted for each session, which would allow more time for the speakers and discussions.
- ◆ Rooms are too big for our crowd...so hard to be really collegial and interactive
- ◆ WFP/UNHCR new agreement - Were the previous 1997/98 tripartite agreements analysed for their general failure. WFP pilot responsibility in final distribution: loss of confidence in current system?
- ◆ Smaller groups would give more time for NGO comment on issues
- ◆ It would add flavour if we could have gender balance in the panellists. We have noticed the number of women in the panellists was minimal. It is about time we see the change
- ◆ Small workshops were an improvement, but too many "Talking Heads". Need to use new approaches.
- ◆ Many good issues for workshops. Should have none at lunch so networking is possible
- ◆ We appreciate if there is Arabic interpretation for all working sessions

## **Regional Sessions (23)**

- ◆ Asia Pacific Session was very inter-active, experience of common themes.
- ◆ I found most sessions informative if not always relevant to Asia-Pacific. I was pleased to listen and hear questions.
- ◆ I liked the idea of there being regional sessions – to get a picture of consensus in the area. Session in the Americas was good because the speakers and participants were all seated around a table - made for better participation.
- ◆ Attended the Regional session in Africa. Well done. The salient issues were cogently expressed and debated.
- ◆ La session du bureau Afrique a été excellente avec assez d'informations
- ◆ The Asia-Pacific session was very broad ranging. The UNHCR representative was extremely well briefed, knowledgeable and constructive
- ◆ They are good.
- ◆ Good.
- ◆ Asia and Middle East strong because of Ekber force of personality and candour.
- ◆ The Africa Regional session was OK.
- ◆ Useful, good exchanges
- ◆ Very Good. Informality was very positive for purposes of making interventions.
- ◆ I was surprised by lack of involvement from countries from the "South". I saw no presentations from non-European or non-American participants. This is alarming especially given the dire concerns faced by NGOs there. I was also aware of lack of questions from certain NGOs. The exchange of viewpoints and discussion was absolutely the most valuable part. I am concerned about capital determining agenda despite assurances that this doesn't occur.
- ◆ Central Asia couldn't be in the focus of CASWANAME. For us it wasn't interesting and useful – we haven't possibility to sharing experience about our problems
- ◆ It was notable the difference in tone between the working sessions and the regional sessions. I thought the Regional sessions were defensive, conservative and truly lacked any interest on the part of UNHCR to discuss concerns and ideas with NGOs. This is true even though the NGOs weren't particularly critical of HCR and in fact were sympathetic to resource/staffing constraints, particularly CASWANAME.
- ◆ The "Africa" session could have been more focused and better prepared.
- ◆ Time was too short to cover the regions properly.
- ◆ Not enough time for comments, questions and answers
- ◆ Americas weak because direction less.

- ◆ [Africa session] Questions were not fully answered. NEPAD was mentioned on the programme but was not tackled
- ◆ The session on Africa was badly organised. Panellists seem to be frustrated by the magnitude of the problem they face in their operations
- ◆ Africa session disappointing - one speaker only?!!! Dry. Should have been much more interesting.
- ◆ [Asia Pacific Session] There could be more inter-action at the regional level i.e. outside of geographical space called Geneva.
- ◆ It would be useful to have a time at end of session for participants to formulate recommendations, if any to go to the plenary.
- ◆ Americas session. For such a complex region with many differences, the issues are very limited. Is it possible for UNHCR to have an effective regional coverage?
- ◆ A lot of the issues raised were of major concerns but solutions seemed not near to grips. More than just regional Directors should attend sessions that concern regions.
- ◆ Africa: Lack of proper funding is greatly affecting the quality of service delivery. Repatriation of refugees must be properly timed e.g. Angolan refugee repatriation will be premature next year
- ◆ UNHCR comments were helpful - more information about anticipated interventions would help NGO planning
- ◆ For people coming from abroad: issue workshops mixed w/regional would make the afternoon more relevant for NGOs not working on country issues

### **Pre-ExCom 2002/2003 (33)**

#### **Content**

- ◆ A small gender balanced summing up committee, that would include that which was covered and that which was not touched, e.g. women. Would have picked up the lack of inclusion in the women's issue around code of practice – the obligations to the victim – the woman, raped and sexually exploited woman, mother of the refugee child. The omission of obligation to the NGO re-entering his/her particular country who leaves his/her mission. A more equal gender balance of speakers (39 M, 14 F) would be appreciated.
- ◆ Have a session on "Good Practice - What works". This to cover Government actions and policy that have positive effects on refugee reception and resettlement; NGO practises in various countries and regions that also assist in this area. UNHCR report on positive activities
- ◆ Fascinating debate/interplay of ideas. Thank you Nils Kastberg for reminding us why we are here and about the people that we are privileged enough to assist.
- ◆ The emphasis on Asia refugee populations of IDPs including Pacific Island in discussions not specific to this region was next to none. Refugees and IDPs from Timor, Indonesia, Papua New Guinea etc. not mentioned. I was surprised by how little HCR Representatives knew or had to say about questions relevant to this region.
- ◆ Problems of CIS countries were not introduced enough. It looks like specific problems of this region being ignored (e.g. Statelessness).
- ◆ Would it be possible in the future to have refugee voices preferably in the working sessions. One refugee/ representative from each geographic location (refugee caseload situations) could be invited.
- ◆ Would suggest that a session be organised for next year where a broader approach to durable solutions could be discussed. Whether refugees flee on grounds of fear of persecution - political, religious, etc. At the end of the day, the issue is deprivation, lack of development, widening gap between the rich and the poor. I would volunteer to take part in this if I am given the opportunity.



- ◆ The linkage to Excom should have more time. The summary is limited and does not reflect the intensive meetings with colleagues. Thank you to the support of the NGO Unit.
- ◆ Assessment of progress on implementation of A/P. Report by HCR on follow up to recommendations from "NGO partnership" survey of December 2001

### Organisation/Venue

- ◆ Overall organisation of Pre-Excom - More lead time would be useful for those who come from distant places, especially draft agenda and registration forms.
- ◆ Find a technical solution to help participants to identify one another for networking, while maintaining this year's meeting structure.
- ◆ Venue- Not good for working groups
- ◆ Better sound quality, common session per day with name signs makes networking easier, bullet point final summing up from workshops - available for participants at closing would be useful.
- ◆ Not enough time for normal human functions let alone for small group discussions. Have an opportunity for ExCom Representatives of States to meet with their NGOs on the day or night before the last day. Calendar for next year at this meeting would help planning of NGO calendar for visits, consultations, and training
- ◆ Pre-ExCom is an important feedback mechanism worth UNHCR investment. This will improve managerial accountability.
- ◆ Although grateful for the opportunity, as an NGO member to participate in the ExCom conclusions process, I do feel that UNHCR severely limits and censors the discussion and actions of NGOs to participate in an effective dialogue to bring about positive change
- ◆ UNHCR may have to consider supporting needs - e.g. lunch during Pre-Excom etc.
- ◆ We need more visual learning. Could we have longer for lunch? Both for business appointments and better cross-polarisation time. On short time, we stick to those we know. Regret the process of drafting in writing so as to not draft and edit in committee.
- ◆ Logistically, the meeting seemed to run very smoothly. I appreciated starting on time or almost on time. Getting through the lunch line quickly between 13-13.30 was sometimes difficult but better than expected. Thanks!
- ◆ I do request to increase the percentage of local and national NGOs attending Pre-Excom 2003 especially NGOs from areas with a lot of refugees. It is important that those NGOs are exposed to such meetings. It was not right to have only one NGO from Tanzania hosting more than 500,000 refugees.
- ◆ Very thorough and well prepared. Perhaps a slightly longer lunch break with a 9.30 am start to make up for lost time would be preferable. A lot of interesting participants.
- ◆ Since most participants pay for their travel accommodation and feeding; at least water for drinking should be available on tables. The sessions could begin earlier than 10.00.
- ◆ Nous souhaitons que le HCR renforce le processus PARinAC pour les années à venir, et aussi prévoir dans les budgets de l'année 2003 la prise en charge des missions Pre-Excom concernant les ONG locales et Nationales, car nous aidons mais le moyen nous manque.
- ◆ New participants need more information and support. For example anyone making an intervention should be identified by name and organisation (and not just called "Tom" or "Randy"). Info should be given about the basics i.e. where to eat, how to get around the building etc. Encourage new participants to speak out. Provide all participants with names and co-ordinates of conference participants.
- ◆ There must be a commitment to including and allowing space for smaller national NGOs, especially those from developing and transitional countries that host large refugee populations. The discussion of security for example would have benefited from the input of those unable to develop "staff security" of the type described due to resources but desperately in need of international support.

## Structure

- ◆ The structure was an excellent initiative. There were too many sessions and the breaks were too short. Keep the structure and be a bit less ambitious!
- ◆ Too strict a schedule, some breaks are needed.
- ◆ Opportunity to network - Needed more time in between sessions.
- ◆ Opportunity to network - Too few breaks to catch up informally.
- ◆ The difficulties of timing are appreciated. However, with the working session not only timed to finish as the next commenced (some sessions even went overtime) it did make certain difficulties in (i) prompt attendance and commencement, and (ii) talking with colleagues. A 30-minute break for lunch would appear to be insufficient.
- ◆ Summing up session and linkage to ExCom - exactly same content, not useful.
- ◆ No workshops during lunch, mix country/issue workshops
- ◆ Cut the 13.30 to 15.00 sessions for exchange between participants. Networking is absent with the number of sessions. Add 10 minutes break between sessions to move from room to room
- ◆ Panels must reflect UNHCR's commitment to diversity and inclusion – more people of colour, people of southern countries, women. 1pm adjournment was a good idea
- ◆ Please allow some 5 to 10 minutes between the different sessions to allow participants to change the meeting on session room and be on time at the next session.
- ◆ More free time to network. Very good general organisation. Thanks
- ◆ I appreciated the detailed agenda and inclusive nature of working sessions - many more NGOs had leadership opportunities. Networking was a bit more difficult; it was harder to track down NGOs outside of the plenary sessions with nameplates.
- ◆ Best Pre-Excom attended, even in an atmosphere of general frustration.
- ◆ I would like to have more opportunities for networking especially for those who are newer in the NGOs - HCR Community. I would like to have opportunity to participate in sessions that this year have run in parallel.
- ◆ Good range of groups. The very full agenda gave less direct opportunity for networking if alone, though in a team it was more manageable. Still the opportunities are there.
- ◆ To have a longer lunch break for networking.
- ◆ Yes we need a 10-minute break between sessions to make phone calls, eat something, greet people etc. I was late for almost every session despite best efforts. Other than that, it was a really well organised and creative Pre-ExCom. The evening reception was also very pleasant. Thank you.
- ◆ Much as we are trying to save on funds, either enough time should be allotted for sessions or at least 3-4 days are needed to come to concrete resolutions/recommendations.
- ◆ A "free" session to allow networking between all parties would be of benefit. Ex. a 90-minute time period prior to 6 pm. A reception session would also be good again.

## Annex IV

# 53<sup>rd</sup> Session of the Executive Committee of the High Commissioner's Programme

## NGO Contribution to the General Debate

2 October 2002

Mr. Chairman,

*This NGO statement is delivered on behalf of ICVA and is the result of a consultation with a wide range of NGOs. While it cannot reflect all of the views of the many different NGOs represented here, it does present issues and concerns on which there is broad agreement.*

We come to this Executive Committee (ExCom) meeting in the face of an ongoing protection crisis. Borders are closing to refugees in many parts of the world, whether through interception or interdiction, legislative measures, or the use of police or armed services. Many asylum-seekers are finding that instead of the protection sought, they are being treated as if they were criminals and, in some cases, are being detained indiscriminately and in violation of international human rights standards. For many, asylum is an empty promise and effective protection and durable solutions are available in too few situations. Unless there is a compelling strategic interest for intervention, we are all too often seeing situations where developing countries, hosting the majority of the world's refugees, cope on their own with inadequate resources – a lack of resources that seriously compromises protection. Yet, it is in the long-term interests of all States to ensure that refugees are effectively protected and that durable solutions are found.

We have watched States that were previously upholders and champions of human rights, discard these values in favour of short-term political and strategic ends. This is doing long-term damage to refugees themselves and social cohesion more widely. Policies and practices that illustrate this short-sightedness include: closed and guarded borders to prevent access to asylum-seekers; screening practices that deny fair and efficient refugee status determination (RSD) procedures; restrictive interpretations of the Convention; denial or prejudicial limitations on appeal rights; expansion of grounds for detention; the provision of restrictive temporary protection (including the denial of family reunion and the right to travel); and other forms of discrimination, including on the grounds of race, religion, ethnic or national origin, or other status such as health (including HIV/AIDS status) and disability.

### **UNHCR and Funding**

For UNHCR to carry out its protection and assistance mandate effectively, States must provide UNHCR with the required financial support. Likewise, the comprehensive implementation of the objectives of the Agenda for Protection largely depends on the political and financial will of States.

It is of great concern to NGOs that UNHCR's significantly reduced programme budget means that standards, such as the Sphere Standards, so carefully crafted in consultation with operational partners, cannot be met. For example, there is not enough adequate shelter to provide for privacy, safety, and dignity. In addition, there are not enough resources for registration or protection needs identification. This results in a further erosion of social structures, which in turn can lead to further violence in refugee and host communities. Where UNHCR is inadequately funded, the complex task of providing refugee protection is

undermined, not least by serious personnel shortages. NGOs call on States – as major donors – to ensure that sufficient resources are provided to UNHCR to enable it to fulfil its mandate.

### **Agenda for Protection**

As noted during the June session of the Standing Committee, NGOs welcome the Agenda for Protection and welcome the reaffirmation by States of their commitment to the 1951 Convention Relating to the Status of Refugees during the Global Consultations process. We agree with UNHCR that the Agenda is not a blueprint for solving all protection problems, but it is an important tool in combating the negative measures that inspired the Global Consultations in the first place.

NGOs stand ready to fulfil their responsibilities in monitoring and reporting on its implementation, as well as to play their part in undertaking actions to operationalise the Agenda.

We have heard conflicting views of what “Convention Plus” might be. Therefore, this issue requires clarification and elaboration. If, however, this initiative seeks to prevent movements of refugees from countries of first asylum where they are not safe and their human rights are not protected, the “Convention Plus” initiative may unnecessarily curtail the right to seek and enjoy asylum. The initiative may also allow States to shirk their responsibilities under the Convention towards refugees who arrive spontaneously. The priority should be to provide the best quality protection to refugees, irrespective of where they are or how they arrive. NGOs wish to emphasise that it is critical that human rights standards, including social, economic, and cultural rights, which States are responsible for upholding, remain at the core of follow-up to the Global Consultations.

We would also emphasise that developments and processes such as “Convention Plus,” as well as “UNHCR 2004,” should not deflect attention from, or compromise, the implementation of other aspects of the Agenda. Moreover, recognising that some of the most compelling contemporary forms of racism and xenophobia are against refugees, asylum-seekers, and migrants, as acknowledged in the Agenda for Protection, we would urge States to ensure complementary follow-up in the context of the World Conference Against Racism.

During discussions in the UNHCR-NGO pre-Executive Committee Consultations, NGOs felt that a concrete step forward in implementing the Agenda for Protection would be the setting of standards for the public evaluation of States Parties’ compliance with their obligations to refugees. Such standards, which would refer to the 1951 Convention and other instruments relating to refugee protection, could be established by UNHCR and States through the Executive Committee.

In this respect, and taking account of our earlier comments on “Convention Plus,” NGOs welcome the proposal of the High Commissioner to set up a Forum for discussion on the implementation of the Agenda for Protection. We look forward to participating in the discussions on the mechanism and its operation and to active involvement in the Forum.

### **Internally Displaced Persons (IDPs)**

There remains a pressing need, amongst others, to address the obstacles, threats, and attacks not only against IDPs themselves, but also against those who offer humanitarian aid. In Colombia, for example, on conservative estimates, an additional 168,000 people became displaced in the first six months of 2002. At the same time, more than half of the world’s 27 million IDPs are in Africa, with large numbers in Angola and Sudan. It must be stressed that UNHCR is only working for a small proportion of IDPs world-wide.

We appreciate the recent openness with which UNHCR has shared information on its role and responsibilities for the IDP populations with which it is working. We strongly urge that, in the near future, there be a more predictable articulation by UNHCR of the IDP situations in which it will become involved. In many cases, even if three green lights appear, UNHCR seems to see yellow or red. We encourage UNHCR to collaborate with the Office of the High Commissioner for Human Rights (OHCHR), the Office for the Coordination of Humanitarian Affairs (OCHA), and development organisations in carrying out its work with regard to IDPs.

### **Women and Children**

While progress in the implementation of UNHCR's Guidelines for Refugee Women and Refugee Children has been made, there are still major gaps in their application. For women and children, particularly girls, the gap between standards and practice continues to threaten their lives and the lives of their families and communities, including increasing their vulnerability to trafficking and other forms of exploitation. As the evaluation on the impact of UNHCR's activities in meeting the rights and protection needs of refugee children shows, a community-based approach is essential for child protection to work. NGOs look forward to discussing the plan of action for the implementation of the recommendations of the evaluation.

### **Sexual Violence and Exploitation**

Women and children continue to be at the greatest risk of sexual exploitation and abuse. We welcome the appointment of a focal point to coordinate actions in the wake of the West Africa study, as well as follow-up evaluations relevant to it. Child protection, however, must be institutionalised throughout the organisation, for example by strengthening the critical link between community services and the Department of International Protection. As the High Commissioner pointed out in his address to EXCOM, the number of female staff in the field must be increased in order to improve the protection of refugee women and children.

It must be recognised, however, that sexual violence and exploitation cannot be separated from the range of protection issues facing refugees and displaced people. While we are committed to working towards the implementation of the Inter-Agency Standing Committee's (IASC) Plan of Action, we believe that additional steps are required if this serious issue is to be effectively addressed. We must ensure that the prevailing culture of sexual violence against refugees and IDPs in camps and urban areas is put to an end. Rape, child sexual abuse, and the exchange of food for sex must not be tolerated and perpetrators must be brought to justice. The common elements for codes of conduct developed within the inter-agency context are vital in furthering the accountability of humanitarian organisations and their staff.

A number of NGOs have continuing difficulty with the lack of reference in many codes to the fact that sexual relationships between humanitarian workers and beneficiaries must not occur. Where an imbalance of power exists in a relationship, consent cannot be assumed and humanitarian workers have heightened obligations.

### **Onward Movements**

Addressing the question of onward movements must start from the presumption that people, including refugees and asylum-seekers, move. The international community must not lose sight of the fact that refugees are entitled to protection whatever their location: in a refugee camp, in an urban area, in a neighbouring State, or in another country of asylum. They are also entitled to seek protection. Conclusion 58 of this Executive Committee provides clear recognition of this fact.

Nevertheless, the onward movement of asylum-seekers and refugees in search of effective and durable protection has become a key preoccupation of many States, particularly as States, such as Australia and certain States in the EU, make assumptions about the reason behind,

and motivation for, such movements. Many States are responding in the name of combating smuggling and trafficking by closing, or threatening to close, their borders and taking measures that prevent refugees from seeking asylum. Meanwhile, they give too little attention to addressing the causes of continuing movement that arise from a lack of adequate protection in countries of first arrival. As long as refugees are unable to obtain effective protection, his/her movement – no matter how many borders may need to be crossed – should be regarded as primary, not secondary movement.

In addressing the causes of onward movements, States must look at their role in responsibility-sharing. Industrialised States are host to a small proportion of the world's refugees. Developing countries, on the other hand, struggle to host the vast majority. No industrialised State in this room would wish to see developing countries forego their international obligations, but unless there is greater active responsibility-sharing (including through the increased availability of resettlement), we will not see any enduring changes. Refugees will continue to be compelled to look beyond countries of first arrival for effective protection.

Responsibility-sharing and building protection capacities can minimise the need for onward movement, but it will not eliminate it nor will it result in change overnight. Responsibility-sharing must, however, never be viewed as a means by which States can trade off their international obligations through the provision of financial resources to developing countries. Moreover, quick fix unilateralism, or indeed bilateralism, is no substitute for true responsibility-sharing.

### **Where is the Protection Focus?**

NGOs are concerned that measures that should have a protection orientation are being manipulated to serve State-centric purposes. For example, in some regions, including Eastern Europe and the Asia Pacific, the training of border officials has been designed either to prevent people from leaving a country of first arrival to seek protection elsewhere, or to prevent the entry of onward movers. At the same time, there is little focus on ensuring the application of human rights norms, seeking solutions to protection needs, or guaranteeing refugees' entitlements.

Registration is an important tool in protection. However, biometric data collection, retina scanning, and electronic tagging, are amongst a variety of methods now being explored by a number of States not for protection purposes, but for the monitoring of the onward movement of refugees. We consider that these initiatives raise serious questions about the civil and political rights of refugees, asylum-seekers, and migrants and could jeopardise their ability to secure effective protection. Therefore, we urge careful examination of such practices, with input from NGOs, refugees, and human rights organisations.

### **Detention**

NGOs are concerned about the continuing development of practices designed to deter and punish asylum-seekers, and which have enormous human and financial costs. Article 31 of the Refugee Convention constitutes a prohibition on States imposing penalties on refugees for illegal entry. Article 31 does *not* provide for collective penalisation, such as we have seen in the "Pacific Solution" implemented by Australia.

We also note with grave concern the increased use of administrative detention, without adequate safeguards, in particular in the United States and the United Kingdom.

We condemn detention that is mandatory, arbitrary, and without judicial review and which does not comply with international human rights law and standards, or UNHCR's Guidelines. In particular, we highlight the mental health impact and developmental impact of detention, especially on children.

**Resettlement**

Resettlement remains a vital protection tool in securing durable solutions for refugees. It can never be seen as a substitute for the granting of protection for refugees spontaneously seeking protection, whether in neighbouring States or elsewhere, especially given that less than 1% of the world's refugees (and, by another estimate, 0.22%) are able to access resettlement as a durable solution.

NGOs are deeply concerned at a growing trend of playing off resettled refugees (the "good" refugees) against asylum-seekers who embarked on their own search for protection (the "bad" refugees). International law clearly recognises that the latter is a legitimate means of seeking protection, to which resettlement should serve as a complement.

We are also concerned to note that the last year has witnessed the impact of delays and freezes in the processing of refugees in need of resettlement clearance, the non-fulfilment of quotas (in part attributable to inadequate referral mechanisms), and the reduction of intakes. In certain cases, as has been documented, the failures of the resettlement system are putting lives at risk. We therefore urge States, in cooperation with UNHCR and NGOs, to give effect to their commitments to resettlement. This must take full account of the substantial and constructive consultations that have taken place over the last two years, highlighting in particular the need to review UNHCR's emergency resettlement procedures and States' role in giving effect to them. At the same time, we would caution against portraying the current resettlement system as being a panacea against secondary or onward movement.

**Prevention and Preparedness**

During the debate on international protection in recent years, a central theme has been the prevention of root causes of refugee flows. It is widely recognised that the most common root cause of large-scale refugee movements is armed conflict. With this in mind, and, for example, in light of the current tensions in relation to Iraq, it is essential that States take all possible steps to prevent the causes of flight. In any case where conflict ensues, States must commit to ensuring that measures are in place to respond effectively and in a timely fashion. Such measures include ensuring that the right to seek asylum is preserved, that there is access to territory and effective determination procedures, that the principle of *non-refoulement* is scrupulously observed, and that refugee camps are located and resourced in such a way as to ensure both effective protection and access to adequate humanitarian assistance. In this regard, we would also highlight that the current crisis in Liberia and neighbouring countries demands urgent attention. Not only must the humanitarian character of asylum be ensured, but the range of factors that contribute to the root causes of that conflict must also be addressed.

**Post-September 11**

Throughout the world, States have responded to the events in the United States with tightened immigration and asylum policies and rushed through with draconian legislation. States have publicly equated the so-called "war against terrorism" with the fight against illegal migration, as, for example, seen in Spain. Others have equated asylum-seekers with terrorists, including in the United States, the United Kingdom, and Australia. This equation has been made not only without (or without having to disclose) evidence, but also without giving those so branded any opportunity to rebut the allegations.

**UNHCR and the Role of NGOs**

While acknowledging and supporting the pivotal role of UNHCR and highlighting the importance of UNHCR-NGO partnership in responding to the current protection crisis, we are mindful of the significant constraints under which UNHCR functions.

NGOs have an important role to play, not only as operational partners, but also in monitoring compliance of States with their obligations under international law. There is a pressing need to strengthen the capacity of NGO partners and civil society in asylum-countries, who have responsibilities for the reception of the majority of refugees. We emphasise that NGOs from refugee-producing countries, with experience and knowledge indispensable to finding solutions, need to be included in consultations and operations. We are also mindful of the importance of strengthening NGO capacity where UNHCR offices are being scaled down or phased out.

### **Information**

The provision of accurate and timely information is essential to ensure that affected populations are able to make informed decisions about their future. The provision of such information is a right and not a privilege. This is true not only in the field, but also at UNHCR's headquarters where we are concerned that the new information unit based in the Department of International Protection has neither the resources nor the capacity to provide access to country and other information vital to the protection of refugees. For example, it has been some time since the RefWorld CD ROM, an invaluable tool to States, UNHCR, and NGOs alike, has been updated. Furthermore, access to UNHCR's library, covering research and policy issues, is essential so that we can learn from past mistakes. May we issue a plea to you, as States, to ensure that UNHCR is adequately resourced to deliver on this important and pivotal role that only UNHCR can play.

### **Conclusion**

You, as member States of this Executive Committee, are bound to ensure that UNHCR is adequately resourced to deliver on its mandate. Currently, you are only partially addressing the protection needs of millions of unprotected people in the world, the majority of whom have little prospect for a durable solution. States' actions and policies that blatantly violate core principles of the 1951 Convention are incompatible with the participation of those States in EXCOM, whether party to the 1951 Convention or not.

It is critical that the EXCOM does not lose sight of the fact that you are bound to ensure delivery on the full spectrum of the international obligations that you have, not only to refugees on your territory, but also those elsewhere.

Some of you say that you have hard choices to make. There is no choice about human rights. They are not expendable legal niceties, nor a lifestyle option. They are the bare minimum agreed by States as necessary to protect the safety, dignity, and integrity of all individuals from excesses and abuses of power.



**Annex V**

**53<sup>rd</sup> Session of the Executive Committee of the High Commissioner's Programme**

**Statement of Non-Governmental Organisations on International Protection**

3 October 2002

Mr Chairperson,

In the NGO contribution to the General Debate the focus was almost entirely on protection concerns. We would therefore like to begin this statement by referring you to the full written statement, which has been made available at the back of the room.

In addressing the Executive Committee on this occasion, we do so mindful of the fact that there is a host of protection challenges that we face on a daily basis on which we would ordinarily wish to further elaborate. It is, however, impossible for us to do them justice in this forum.

The Executive Committee is, in essence, a forum intended to provide tools for UNHCR, States and operational partners to implement protection and strengthen its role and mandate. This we understand to be the rationale behind the adoption of EXCOM Conclusions.

Today, we feel there is a need to forego our opportunity to elaborate on pressing protection concerns that we have in a number of specific places, and instead to address the question of the role that this Executive Committee is able to play in enhancing the protection of refugees.

The first EXCOM Conclusion was adopted in 1975. Since that time the Executive Committee has approached its work in a spirit of cooperation seeking consensus amongst its members on providing tools and guidance for UNHCR and others to enhance refugee protection. A great deal of time and resources has been dedicated to furthering this role. In recent years, however, we have seen, on an increasing number of occasions, the consensus approach of this Committee being treated by some as an opportunity to dilute rather than strengthen protection.

EXCOM Conclusions have important practical application for UNHCR and its operational partners in the field. They also have persuasive authority as soft law expressions of protection obligations. However, they cannot alter the fundamental and core obligations that we find in the Refugee Convention as well as human rights law. These are hard law obligations that remain binding on States, and cannot be diluted by weak EXCOM Conclusions.

At the same time, NGOs are pleased that there have been an increasing number of occasions over recent years where we have been able to engage actively with both UNHCR and States in standard setting of one kind or another in international forums. These have included:

- The Global Consultations on International Protection – in Tracks 1, 2 and 3 and in the development of the Agenda for Protection
- The informal working group on the response to the sexual exploitation in West Africa and the Inter-Agency Standing Committee Task Force on sexual exploitation;
- The annual tripartite consultations on resettlement; and
- UNHCR's evaluation approach, involving all stakeholders including NGOs.

As NGOs we would therefore like to take this opportunity to urge the Executive Committee to acknowledge the constructive contribution that NGOs have brought to the table. We hope that this role will also be reflected in the EXCOM Conclusion drafting process in future. In making this proposal, perhaps the most useful example is the role that NGOs played in the development of the Declaration of States Parties, a careful drafting exercise that brought the perspective of NGOs into the process in a very positive manner.

We would therefore urge that further discussion take place between the newly elected EXCOM Bureau, UNHCR and NGOs to explore possible models in the hope that this might provide a constructive contribution to the compelling need to strengthen EXCOM Conclusions and the role they play in enhancing refugee protection.

## Annex VI

# **53<sup>rd</sup> Session of the Executive Committee of the High Commissioner's Programme**

## **Statement of Non-Governmental Organisations on Programme, Administrative and Financial Matters**

3 October 2002

Mr Chairman,

NGOs support recommendations to tighten up auditing procedures with respect to accounting of sub-projects implemented on behalf of UNHCR and we should have no difficulty in fulfilling standard auditing expectations. However, we feel bound to recall that many NGOs' accounting challenges, and indeed very many of their challenges and obstacles in implementing UNHCR programmes, derive from budget reductions imposed upon them, often at impracticably short notice, as a result of funding shortfalls.

NGOs would, therefore, urge UNHCR to further hone their arrangements for giving timely notice of budget cuts. When budget cuts are inevitable, such cuts should be made in consultation with their NGO partners. NGOs would further call on donor governments of ExCom to ensure the full funding of UNHCR's entire programme.

We would also stress that in order properly to meet our responsibilities to refugees, UNHCR's programme budget should be needs-based as opposed to resource-based. Furthermore, those needs should not be defined by the geographical location of refugees. NGOs also urge States to designate at least a portion of funds as unrestricted, to the extent possible, to allow UNHCR the flexibility to designate resources to unforeseen emergencies or to respond to unforeseen shifts in priorities.

The current system, which requires contributions from NGO implementing partners, favours large, well-resourced, international NGOs over smaller or national NGOs that may be better placed because of their mandate or presence. The use of NGO resources and expertise can address gaps in UNHCR's capacity to carry out certain activities, including, for example, work on resettlement.