

OIC Ministerial Conference on the Problems of Refugees in the Muslim World

27-29 November 2006

Multilateral Cooperation

I. Introduction

1. Refugee protection and assistance cannot be achieved without solid international cooperation. Paragraph 2 of the General Assembly resolution establishing the Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR)¹ “calls upon Governments to co-operate with the United Nations High Commissioner for Refugees in the performance of his functions concerning refugees falling under the competence of his Office”, including by:

- becoming parties to international conventions providing for the protection of refugees, and taking the necessary steps to implement them;
- entering into special agreements with UNHCR to improve the situation of refugees and to reduce the number requiring protection; and,
- admitting refugees to their territories, not excluding those in the most destitute categories.

2. The Preamble to the 1951 Convention relating to the Status of Refugees (the 1951 Convention) recognizes that “the grant of asylum may place unduly heavy burdens on certain countries and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international cooperation”. Article 35 of the same Convention requests “Contracting States to undertake to co-operate with the Office of the United Nations High Commissioner for Refugees or any other agency of the United Nations which may succeed it, in the exercise of its functions...”

3. Lastly, the 1969 OAU Convention governing the specific aspects of Refugee Problems in Africa stipulates that “where a Member State finds difficulty in continuing to grant asylum to refugees, such Member State may appeal directly to other Member States and through the OAU, and such other Member States shall in the spirit of African solidarity and international cooperation take appropriate measures to lighten the burden of the Member State granting asylum” (Article II, paragraph 4).

II UNHCR’s efforts to improve multilateral cooperation

4. The United Nations system deals with every issue affecting the globe, from refugees to oceans, and the world body remains the primary source of international legitimacy in matters of peace and security. The United Nations system will also continue to be assessed in terms of its actual and perceived effectiveness in achieving human security for all. This multilateral approach to solving problems is of particular relevance in solving refugee problems as

¹ General Assembly Resolution 428 (V) of 14 December 1950

UNHCR cannot achieve its mandate in isolation. It must rely on a series of measures and partnerships to ensure that the needs of displaced populations are met. This approach is widely known as “burden and responsibility sharing” and represents the common efforts not only by the United Nations system, but also by governments, other international and regional organizations, non-governmental organizations (NGOs), and other key members of civil society toward this end. In the paragraphs that follow, some of the most important aspects of burden and responsibility sharing and the multilateral approach to solving refugee problems are outlined.

III Cooperation to protect and assist refugees and other persons of concern to the Office

5. UNHCR relies on many partners to help uprooted people. In its effort to protect refugees and to promote durable solutions to their problems, UNHCR works in partnership with many other actors. These include other United Nations agencies, governmental as well as intergovernmental organizations, non-governmental organizations, and various civil society partners, including universities, advocacy groups, foundations and corporations.

6. During the last several years there has been an increasing trend of large-scale refugee movements due to the changing nature and complexity of conflicts in the post-Cold War period. In addition, a rapid rise in the number of actors responding to humanitarian crises has been witnessed. The year 2005 witnessed in particular an increased involvement by UNHCR in relation to the aftermath of natural disasters (Tsunami and Pakistan earthquake). In an effort to ensure effective action and coordinated responses to refugee emergencies, UNHCR has also enhanced its partnerships with UN sister agencies, international and regional organizations, and donor governments for standby services in support of UNHCR’s existing capacities. The use of Memoranda of Understanding in their various forms, including Letters of Understanding, Framework and Cooperation Agreements, Exchanges of Letters and Emergency Standby Agreements, has served to further UNHCR’s global efforts to strengthen partnership and cooperation to ensure the most effective provision of protection and assistance to refugees.

7. In 2005, UNHCR launched a comprehensive review of its emergency capability and a UNHCR Plan of Action for strengthening the organization’s emergency response capacity has been devised and is currently being implemented. This Plan of Action foresees an increase of UNHCR’s response capacity to some 500,000 persons. UNHCR will need financial support to be able to implement this plan between 2005-2007 as originally envisaged. It is obvious that a further prominent inter-operability and multilateral cooperation amongst all humanitarian actors is required.

The United Nations system, other international organizations and intergovernmental organizations

8. UNHCR maintains close cooperation with a wide range of United Nations organizations whose areas of expertise extend to protecting and assisting displaced populations including refugees, internally displaced persons (IDPs) and returnees. Among these key partners are the World Food Programme (WFP), the United Nations Children’s Fund (UNICEF), the United Nations Development Programme (UNDP), the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations

Volunteers (UNV), the United Nations Population Fund (UNFPA), the International Labour Organization (ILO), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Environment Programme (UNEP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Development Fund for Women (UNIFEM), the United Nations Human Settlement Programme (UN Habitat), the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the Department of Peacekeeping Operations (DPKO), as well as the Bretton Woods Institutions. UNHCR also works closely with other international and inter-governmental organizations such as the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and the International Organization for Migration (IOM). UNHCR has signed Memoranda of Understanding (MOU) or other forms of cooperation agreements with many of these partners. Some important examples of this cooperation are listed here below:

WFP

9. WFP has been one of UNHCR's closest partners over the years. A first global MOU was signed in 1985 between the two organizations, followed by a more comprehensive MOU in 1994 and the more recent one in 2002. This latest revision reflects the dynamic changes in refugee programmes globally, such as increased attention to the needs of the population and particularly of refugee women and children to guarantee their protection against abuse, addressing durable solutions for protracted refugee situations, including negotiating with host countries the allocation of agricultural land for use by refugees and establishing more income-generating activities to increase self-sufficiency. The most recent MoU also lays down the agreement that WFP do final food distribution for refugees with a view to determining whether this division of labour would be an optimum arrangement for implementation in other refugee situations. UNHCR and WFP continue to advocate the inclusion of refugees' specific needs into national and longer-term development plans.

10. As part of close cooperation between the two organizations, a WFP/UNHCR field-level cooperation on IDPs has been established with the purpose of examining how some established procedures that are in place for refugees can be strengthened and applied to IDP situations.

UNICEF

11. A global MOU was signed in 1996 between UNHCR and UNICEF outlining the respective mandates and responsibilities of each organization, with an emphasis on the needs of refugee children as well as affected local populations. A number of country-level MOUs have also been signed between the two organizations targeting specific country operations. UNHCR and UNICEF are currently reviewing the existing MoU, taking into account the changes which took place in the humanitarian field in the last 10 years.

UNDP

12. In 1997 UNHCR and UNDP signed a global Cooperation Agreement addressing the issues relating to the prevention of forced population displacements; refugee impact on hosting areas; reintegration and rehabilitation; joint planning, programming and resource mobilization, etc. Several country-specific agreements have also been signed with UNDP over the years to complement the global Cooperation Agreement. Several specific bilateral initiatives have also been launched. For example, both agencies have conducted a desk review, mapping out their cooperation in six African countries and are discussing concrete ways and means to strengthen the partnerships in these countries.

13. In addition, UNHCR is also collaborating with the UNDP UNV Programme, which has translated into the deployment of 780 UN Volunteers across 70 UNHCR country operations in 2005 alone.

ILO

14. In the area of livelihoods, UNHCR has continued its partnership with the ILO, with the latter deploying technical experts to UNHCR operations (16 deployments so far), in both refugee hosting countries and reintegration operations. The importance of partnerships with development agencies such as ILO through projects aimed at supporting livelihood strategies cannot be underestimated. In most countries where UNHCR has conducted participatory assessments the link between poverty and lack of livelihood opportunities and protection and social risks in refugee, returnee and IDP settings, particularly for women, has been clearly established.

DPKO

15. UNHCR and DPKO signed a Joint Letter and Information Note in 2004 setting out cooperation in the areas of refugee, IDP and returnee security; disarmament, demobilization and reintegration (DDR); mine action; rule of law; technical cooperation and staff exchange, etc. This formalized cooperation with DPKO reflects the need to address the link between forced population displacement and endeavours to ensure international peace and security.

16. UNHCR is moreover actively engaged in support of the ambitious initiatives currently under way towards reform of the UN system as well as the improvement of the global humanitarian response capacity. These include the follow-up, through the ***Inter-Agency Standing Committee (IASC)***, to last year's humanitarian response review as well as the follow-up to the high-level segment of the 60th session of the General Assembly. UNHCR is also contributing to several other initiatives, including the ***Secretary-General's High-level Panel on System-wide Coherence***.

17. The inter-agency dialogue on improving the collaborative response to internal displacement became subsumed in the second half of 2005 within the "***cluster leadership approach***", a new arrangement elaborated with the IASC and aimed at achieving greater predictability, accountability and capacity to emergency management and early recovery. Although the new approach is not limited to IDPs, UNHCR's own participation is focused on this dimension. UNHCR has the lead role in three "clusters", namely protection, camp coordination/camp management and emergency shelter for IDPs in situations of forced displacement. The new approach is already providing a much improved framework for the exercise of the General Assembly mandates given to UNHCR on IDPs.

Regional organizations

Organization of the Islamic Conference (OIC)

18. UNHCR and the OIC signed an agreement on 5 July 1988, centring on humanitarian issues of global concern and, subsequently, expanded their collaboration in priority areas relating to refugees through regular contacts, exchange of information and mutual attendance at major events organized by each other. As some 45 per cent of the persons of concern to UNHCR in the world originate in the Muslim countries, and taking into account the impact of the tragic events of 11 September 2001 on the treatment of refugees and asylum-seekers originating from OIC member States, the two institutions have strengthened their cooperation

in order to enhance refugee protection and find durable solutions to refugee problems in the Islamic world.

19. During the UN/OIC General Meeting held in Vienna from 9 to 11 July 2002, representatives from UNHCR and OIC agreed to focus on the following priority areas of cooperation:

- i. joint events to create awareness of the problems of refugees in the Islamic countries and advocate non-discrimination in the treatment of Muslim refugees and asylum-seekers;
- ii. in cooperation with the Islamic Solidarity Fund (ISF) design and implement joint projects in support of UNHCR operations focusing on education, disabled children, environment and health (this project will centre on returning refugees in Afghanistan and refugee situations in other OIC member States);
- iii. further associate OIC staff in UNHCR training activities on basic protection principles;
- iv. review the mechanism relating to the exchange of information between the two institutions and work towards their improvement;
- v. organize joint field visits to familiarize OIC staff and management with refugee problems in Islamic countries; and,
- vi. hold regular consultations on refugee policies and operations throughout the OIC member States.

20. UNHCR and the Islamic Education, Scientific and Cultural Organization (ISESCO) are linked by a Cooperation Agreement since 1991 and signed a Programme of Action in 1996. Furthermore, they agreed to reinforce their cooperation through the following activities for the period 2006-2007:

- i. Participating in training courses organized by UNHCR in the various fields relating to refugees;
- ii. Enhancing cooperation through the implementation of a series of activities during 2006-2007 focusing on education of refugee children, training of female refugee teachers, vocational skills training and projects towards self-reliance for refugees, particularly refugee women, in countries in the Middle East, the Horn of Africa and South-West Asia; and,
- iii. Organizing workshops and seminars for refugee community leaders and elaboration of cultural projects for the benefit of refugees.

21. Furthermore, the OIC Summit, held in Putrejaya in October 2003, adopted a resolution on the "Problem of refugees in the Muslim world", which reaffirmed the concerns of member States over the effects of the existence of millions of refugees in Islamic States. The resolution called on OIC members to coordinate with UNHCR to determine the root causes behind refugee movements and to enable refugees to repatriate as soon as possible. The same resolution also calls on member States that have not acceded to the 1951 Convention to do so

and to consider, inter alia, the convening, in coordination with UNHCR, of a ministerial conference in 2006 to address the problem of refugees in the Muslim world.

The League of Arab States

22. UNHCR and the League of Arab States have a long-standing cooperation with respect to refugees. To formalize and further strengthen their cooperation, the two institutions signed a cooperation agreement on 27 June 2000, by which they notably recognize that the refugee problem is international in scope and nature, and that its resolution is dependent on the will and capacity of States to respond in concert, in a spirit of burden sharing and solidarity. The two institutions agree that strengthening the implementation of the 1951 Convention and its 1967 Protocol is the first step in improving the protection of refugees and asylum seekers. To this end, UNHCR and the League of Arab States have identified three priority areas for joint action, namely:

- i. promote and encourage accession to the 1951 Refugee Convention and its 1967 Protocol by the States that have not done so;
- ii. promote and support enactment of specific domestic laws and procedures for the reception and registration of asylum-seekers and determination of their refugee status; and,
- iii. initiate measures for strengthening partnerships for refugee protection and awareness-raising with NGOs and other actors of civil society.

23. To achieve these objectives, the two institutions are jointly to implement during the period 2005-2006 a number of asylum capacity-building activities, including workshops and seminars on international refugee law, public information and education activities, and the establishment of a centre for documentation on refugees at the Secretariat of the League of Arab States. To coordinate the planning, implementation and evaluation of these activities, UNHCR and the Secretariat of the Arab League of States will establish a steering committee that will meet regularly.

24. Recent examples of cooperation include the fact-finding mission dispatched during the summer of 2005 by the League of Arab States to the Darfur region of the Sudan and to the Republic of Chad, and the drafting of an Arab refugee convention which is under consideration.

African Union (Ex-OAU)

25. Since its creation in May 1963, the OAU and its successor organization, the African Union (AU), have cooperated closely with UNHCR, in view of the large number of refugees on the African continent. Previous High Commissioners have regularly participated in the annual "Summit" of African Head of States while the Regional Liaison Office in Addis Ababa has maintained a close relationship with the AU Secretariat.

26. This relationship started with a resolution (AHG/ Res. 26) of 24 October 1965 in Accra by which the Assembly of Heads of State and Government of the OAU "re-affirmed the desire to give all assistance possible to African refugees on a humanitarian and fraternal basis, and expressed its appreciation of the assistance to refugees provided by the Office of

the United Nations High Commissioner for Refugees”. On 13 June 1969, the General Secretariat of the OAU and UNHCR concluded a cooperation agreement, which was amended on 9 April 2001. UNHCR and the AU are currently looking at the Cooperation Note in particular to strengthen cooperation on issues such as peace negotiations and resource mobilization.

27. The 1969 OAU Convention governing the special aspects of Refugee Problems in Africa was adopted in September 1969, which advanced refugee law through its expanded refugee definition and provisions concerning voluntary repatriation. In March 2000 a “Special Meeting of Government and Non-Governmental Technical Experts and Non-governmental Organisations” was held in Conakry (Guinea) to commemorate the Thirtieth Anniversary of the entry into force of the said Convention. This meeting adopted several action-oriented recommendations called the Comprehensive Implementation Plan (CIP), focusing in particular on addressing the root causes of refugee flows in Africa, enhancing refugee protection and national protection capacities, and finding durable solutions. The OAU Council of Ministers endorsed the CIP at its seventy-second session in July 2000 in Lome, TOGO, and appealed the OAU member States to ensure the CIP’s follow up and full implementation.

28. In summary, the areas of cooperation between the two institutions cover areas as diverse as:

- i. matters affecting the rights and obligations of refugees and the provision of material assistance as well as the search for durable solutions;
- ii. addressing the root causes of the African refugee problem; and,
- iii. promoting legislation related to the protection of refugees , IDPs and other persons of concern.²

Inter-Parliamentary Union (IPU)/ African Parliamentary Union

29. The Inter-Parliamentary Union has, since its creation, been concerned by refugees and has adopted many resolutions urging States to accede to and implement the instruments relating to refugees. It has also encouraged parliaments to contribute to the consolidation of the international refugee protection regime through a strengthened and more effective implementation of the 1951 Convention and its 1967 Protocol. Furthermore, concerning the cooperation between UNHCR and African Parliamentary Union (APU), one particular example was the organization of a meeting: “The Regional Parliamentary Conference on Refugees in Africa: The Challenges of Protection and Solutions” which took place in Cotonou in June 2004.

Non-Governmental Organizations (NGOs)

30. Non-governmental organizations are an integral component of UNHCR’s *modus operandi* with whom the Office continues to forge effective partnerships in order to achieve its core priorities of advocacy, providing protection and assistance, and finding durable solutions. In the last twelve years, UNHCR has channelled over USD 3.3 billion through implementing arrangements with NGOs of which USD 986.4 million was channelled through NGOs working in the OIC countries. In 2006, UNHCR has established agreements with

² For example, AU is currently developing a continental legal framework governing the situation of IDPs in Africa.

some 565 NGOs. A total of 164 of those partners are NGOs from OIC countries working principally in health and nutrition, shelter, transport and logistics, education, legal assistance and protection, and domestic needs and household support.

31. In order to encourage a common understanding and approach to operations and to identify the financial, material and human resources that partners bring, it is important to involve NGOs from the initial assessment and planning phases of an operation through to the implementation and evaluation phases. To this end, UNHCR calls on NGOs to participate in the annual Country Operations Plans so as to determine the needs of the operation and identify the gaps.

32. To enhance UNHCR's capacity to respond to emergencies through the deployment of qualified staff in the areas of refugee protection, resettlement, community services, field security, child protection, engineering, telecommunications, and other vital sectors, the Office has established several standby arrangements with NGOs. As cluster lead in the clusters on protection, emergency shelter and camp coordination and camp management, UNHCR actively sought input from NGOs to map the capacities existing and lacking in each of these clusters. Bilateral consultations are also taking place with key NGO operational partners to discuss more formalized arrangements to facilitate cooperation in the delivery of protection in IDP operations.

33. UNHCR promotes and provides technical and financial support to NGO and UNHCR/NGO focused initiatives, which yield results for the protection of persons of concern. Specific examples include UNHCR's support to the Internal Displacement Monitoring Centre and the NGO Focal Point to the Annual Tripartite Consultations on Resettlement; NGO participation in UNHCR's Protection Learning Programmes; and involving NGO partners in revising various guidelines as well as in reporting on the results of pilot projects, such as on age, gender and diversity mainstreaming.

34. NGOs play an important role in UNHCR's governance, bringing special expertise and field experience to deliberations among the Office's Executive Committee (ExCom), including in the consultative process of the ExCom Conclusions. Prior to ExCom, UNHCR holds its Annual Consultations with NGOs that focuses on a broad range of operational issues of refugee protection which are of shared concern. The NGO Consultations also provide valuable insights and input into the joint NGO statements delivered at ExCom.

IV. Funding for UNHCR's activities

Donors

35. Article 20 of the Statute of the Office of the UNHCR stipulates that "no expenditure other than administrative expenditures relating to the functioning of the Office of the High Commissioner shall be borne on the budget of the United Nations and all other expenditures relating to the activities of the High Commissioner shall be financed by voluntary contributions."

36. When UNHCR was established in 1951, its budget during the first years was around US \$300,000 per year. The funds were made available from the United Nations regular budget and were to cover the Office's administrative expenditures. Only from 1956 onward

did UNHCR raise voluntary contributions, initially only for specific situations, but later also for the quasi-totality of UNHCR's budget. In 2005, the organization's income amounted to close to US \$ 1.1 billion, of which 96.4 per cent came from voluntary contributions. The majority of these contributions came from a limited number of donors: three of UNHCR's donors fund over 46 per cent of its income; eight fund over 72 per cent; and twelve funds over 80 per cent.

37. Considering the organization's limited pool of donors, UNHCR urgently needs to expand its donor base. In this regard, while acknowledging the contributions of host countries that provide asylum to large population of refugees, UNHCR needs to expand its cash donor base. UNHCR has noted that donor members of the OIC rank amongst the most generous in the world for funding the cause of refugees. Unfortunately, their contributions to this cause are not visible enough, as they are mostly channelled through bilateral means.

38. In 2005, UNHCR received US \$ 1,220,129 from Members and Observers of the OIC. This figure represents 0.1 per cent of the total voluntary contributions the Office received in that year. Considering that the size of cash contribution made by these OIC Members and Observers towards the resolution of refugee-related issues is much higher, it is important that this generosity be known by stakeholders outside the OIC. OIC Members and Observers may therefore wish to consider funding the programmes aimed at assisting, protecting and finding durable solutions for refugees in a multilateral context, through agencies such as UNHCR.

39. Since 1991, UNHCR has negotiated and signed emergency standby arrangements with donor Governments and NGOs with financial support from their Governments for standby services in support of UNHCR's multi-sectoral support to crises situations. Memoranda of Understanding and Emergency Standby Agreements have been signed, amongst others, with the EMERCOM of Russia, the Swedish Rescue Services Agency, the Refugee Councils of Denmark and Norway and with AUSTCARE. These arrangements provide complementarity to UNHCR's existing emergency capacities in staffing, logistics and technical sectors.

Approaches to Funding

40. Voluntary contributions received each year do not cover the organization's financial requirement for that year. For instance, UNHCR's total requirement for the year 2005 was US \$1.38 billion. Total voluntary contributions received in the same year amounted to US \$1.1 billion. Even including other income, such as money carried over from the previous year and the contribution from the United Nations Regular Budget (US \$39.6 million in 2005), the organization faced a gap between its financial needs and its actual income. In an effort to meet the financial requirements, UNHCR has also explored complementary sources of funding.

41. UNHCR is actively striving to increase its donor base and sources of income. Incentive based field fundraising activities has recently been introduced to complement centralized fundraising efforts. Cooperation within the UN system, also enables UNHCR to address refugee needs through joint funding mechanisms, such as Central Emergency Relief Fund (CERF), Pooled Fund for Democratic Republic of Congo and the Common Humanitarian Fund for Sudan. In addition, UNHCR has identified some activities that could be sponsored through non-traditional funding lines. Many governments have responded positively to this initiative and provided funding to UNHCR from sources other than humanitarian (i.e. funds under cooperation/development, health, immigration and justice

budgets). In 2004, UNHCR entered into joint ventures with the Council for Europe Development Bank and the Organization for Security and Co-operation in Europe (OSCE). The Office also received earmarked contributions through the UNDG Iraq Trust Fund and the United Nations Trust Fund for Human Security.

42. The private sector also has a role to play and can benefit from helping to address the plight of refugees and support returnee families, thus contributing to the development of more stable societies. The efforts to work with the private sector started in the early 1990s and since 1999 UNHCR has increased its push to work with this sector by creating a special professional service to this end. This initiative is paying off. Approximately 150,000 individuals worldwide support UNHCR programmes and contribute 70% of all private sector income. In the last five years, private sector income has doubled. Since 2000 the income from the private sector has increased from US\$13 million to more than US\$35 million in 2005, bringing significant additional funding to refugees world wide.

43. In order to boost their partnership, UNHCR and its five major corporate partners have created the UNHCR's Council of Business Leaders, which was officially launched at the 2005 World Economic Forum in Davos. UNHCR's Council of Business Leaders is designed to strengthen the funding efforts of UNHCR, capitalize on synergies between UNHCR's key corporate partners, leverage business contacts with like-minded corporations, mobilize support from diverse constituencies and galvanize interest in order to scale up projects that have demonstrated impact from successful pilots supported by the corporate partners. The corporate sector contributes 7-8% of all private sector income.

V. Recommendations

44. Member States of the OIC may wish to consider the following:

- i. reinforce their cooperation on refugee and returnee matters with UNHCR and the concerned United Nations agencies;
- ii. examine ways and means to set up a comprehensive plan of action (CPA) to ensure more effective and predictable responses to mass influx situation in the OIC countries, notably by establishing standby arrangements to strengthen preparedness for mass influx emergencies;
- iii. better target development assistance in order to insure self reliance of refugees and returnees in countries hosting large number of refugees, in refugee-hosting countries, as well as in countries of origin;
- iv. increase their financial contributions to UNHCR's annual budget and examine the possibility of financial support measures at a global or regional level;
- v. examine the role of particular forms of financial assistance as means of sharing burdens and responsibilities in the search for solution to protracted refugee situations;

- vi. encourage and facilitate the partnership between NGOs from OIC countries and UNHCR, particularly in the field of capacity building, in order to enhance refugee protection;
- vii. pursue dialogue to reinforce strategic alliances in the realm of emergency preparedness and response; and,
- viii. together with UNHCR, review previous humanitarian assistance provided during emergency operations and identify innovative ways of collaboration specifically in provision of critical relief items, emergency transport and staffing to compliment UNHCR's capacities.

Geneva, July 2006