

# 54<sup>TH</sup> SESSION OF THE EXECUTIVE COMMITTEE

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

24 – 26 September 2003

Palais des Nations - Geneva, Switzerland

### Abstract

This report provides highlights of the annual Consultations with Non-Governmental Organisations, commonly known as the Pre-ExCom, which this year brought together some 228 representatives of 160 national and international NGOs, UN, and international organisations from 65 countries.

The consultations were opened by the Assistant High Commissioner and featured 12 Round-table Sessions and five Regional Sessions with the active involvement of some 80 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. Special sessions were also held the final day with UNHCR's Inspector General, Dennis McNamara, as Guest Speaker and Erika Feller, the Director of the Department of International Protection. Anne Willem Bijleveld, Director of the Division of Communication & Information closed the consultations.

Included in annex to this report is the Pre-ExCom Programme, a list of participants, results of the participants' evaluation, a list of side-meetings held during Pre-ExCom and ExCom, the statements made by the Assistant High Commissioner and Dennis McNamara during Pre-ExCom and the 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:

African Development & Emergency Organisation • Amnesty International • Asian Women's Human Rights Council • CARE USA • European Council on Refugees and Exiles • International Catholic Migration Commission • International Council of Voluntary Agencies • Inter-Agency Network on Education in Emergencies • International Consortium for Refugees in Iran • International Rescue Committee • Italian Council for Refugees • Itineris • Jesuit Refugee Service • Lutheran World Federation • Menedek – Hungarian Association for Migrants • Norwegian Refugee Council • Office Africain pour le Développement et la Coopération • Office for the Coordination of Humanitarian Affairs • Permanent Mission of Canada • Permanent Mission of the USA • Quaker United Nations Office • Reach Out • Refugee Council of Australia • Save the Children • Sphere Project • United Nations High Commissioner for Human Rights • United Nations Volunteers • World Council of Churches • World Food Programme • World Vision International

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## Introduction

In the week preceding the 54<sup>th</sup> Session of the Executive Committee to the High Commissioner's Programme, UNHCR held the annual Pre-ExCom Consultations with Non-Governmental Organisations from 24 to 26 September 2003 in Geneva. 228 participants representing 160 NGOs, international organisations and UN agencies from 65 countries attended. This report provides a summary of all the Pre-ExCom sessions. The NGO statements made to the Executive Committee are also annexed to the report.

## Welcome to Pre-ExCom 2003

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

Craig Sanders welcomed NGOs to the Consultations prior to the 54<sup>th</sup> Session of the UNHCR's Executive Committee and conveyed the High Commissioner's apologies and regrets for not opening the event due to ill-health. He provided a brief overview of this year's Pre-ExCom, drawing attention to the High Commissioner's policy document on better meeting the needs of refugees through strengthened collaboration with operational partners. He stressed this policy should be seen as a point of departure for UNHCR to better engage all operational partners, which will require changes in thinking and approach, and the way we work. He emphasised how the year has been among the most turbulent of recent times for the UN, NGOs, refugees and humanitarian workers and that Pre-ExCom provides a good opportunity to take stock and explore ways to move forward.

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

Observing that work in the humanitarian sector seems to have irreversibly changed, Ed Schenkenberg made reference to the recent atrocities committed against humanitarian workers. He said that the UN, international organisations and NGOs have become dependent on each other to manage our security, which, first and foremost, depends on the perception and understanding of our missions and work by the local population. He stated that upholding humanitarian principles, particularly the principle of independence, is crucial to our work and that our actions should not blur the lines between humanitarian action and political and military operations. Welcoming the High Commissioner's policy to strengthen engagement of NGOs in operational assessment and planning, he applauded the shift from a resources-based to a needs-based budget. He recognised the financial constraints facing UNHCR, as well as the critical challenges to the refugee protection regime including governments reducing their obligations to receive asylum-seekers on their territory. To this end, he emphasised the unique opportunity that Pre-ExCom provides to UNHCR and NGOs to reflect, and develop analyses and responses to the challenges facing refugee protection and assistance. He hoped for tangible outcomes that would feed into UNHCR's Executive Committee.

## Opening Address

### 3. Kamel Morjane, Assistant High Commissioner for Refugees

Mr Morjane expressed the High Commissioner's regret for not being able to open the Pre-ExCom Consultations and acknowledged how the consultations have evolved over the years signifying the interest NGOs have towards UNHCR and the important role they play in UNHCR's work. He underscored this point by making reference to Article 1 of UNHCR's Statute, which supports NGOs to assist the organisation deliver its mandate. He recognised that times have changed for humanitarian workers and that the last 12 months were turbulent ones. He paid tribute to agencies

with staff who were victims of different attacks, particularly the 19 August bombing of the UN headquarters in Baghdad. He emphasised the need to limit the risks of new losses and to move beyond traditional measures to address the wider causes of security.

He gave an account of the various operations, addressing their current situation. Finally, Mr Morjane acknowledged that the High Commissioner's policy to better meeting refugee needs through strengthened collaboration with operational partners requires a change in UNHCR's approach to partnership. Much work is still needed to implement the recommendations in the three evaluations on women, children and community services. The recently launched SGBV guidelines require training and other resources to ensure their effective implementation. UNHCR 2004 looks at UNHCR's position within the UN and how it can be better situated to carry out its mandate. Convention Plus strengthens protection tools to make UNHCR's work more reliable and relevant. In closing, Mr Morjane underlined that the NGOs represent a large and diverse group that gives UNHCR insight.

The full text of Kamel Morjane's statement is at Annex III.

## Round-Table Sessions

### 4. Operationalising Partnership: A field perspective

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

**Speaker(s):** Marjon Kamara, Division of Operational Support, UNHCR  
Harrison Kuboka, African Development & Emergency Organisation  
Tatjana Milovanovic, Itineris  
Ayubu Sizya, United Nations Volunteers  
Karl Steinacker, Head of UNHCR Sub-Office Kenema, Sierra Leone

**Objective:**

Look at an example from the field on tools used in operational partnership.

**Intervention(s):**

Technology can help the recent shift to NGO participation. Partnership is an attitude and UNHCR is not always equipped to do coordination. There are three types of information - general, national/regional, and operational - and a more systematic way of information-sharing is needed. UNHCR Kenema met with all implementing and operational partners last year and agreed to 'high-level objectives' for 2003, on which standards and indicators to apply. A progress report was made in March and June 2003. The office plans to include refugees in the objective setting process in 2004.

**Discussion:**

What is the reaction of refugees to the budget and how does such a tool contribute to partnership? Refugee representatives expressed their own priorities, some of which were critical, but did not have much to say on the budget. The technology tool does not create partnership or ensure coordination; it supports partnership by being transparent. The tool is a depository of information and was developed because the Humanitarian Information Centre (HIC) in Freetown was felt too far away. Participants considered the tool useful for administrative processes and to give a micro-spectrum of camps, but the bigger perspective is missing. They were also interested as to how standards and indicators were put in context.

**Conclusion(s):**

UNHCR is committed to changing attitudes within the organisation towards partnership with NGOs as well as with other UN agencies. "Partnership is an attitude and should not be discretionary." However, in order to institutionalise partnership, there needs to be more regular discussions between UNHCR and NGOs. The information technology tool is not a tool to ensure

better partnership, but is an example that can help in terms of facilitating transparency and sharing information, which can contribute to improved partnership.

<i>Rating/Session</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
Operationalising Partnership		5	6	3		5	8	3		8	5	3
35 participants												

## 5. Registration as a key protection tool: New standards and procedures

**Moderator:** Dale Buscher, International Catholic Migration Commission

**Speaker(s):** Sharon Cooper, Protection Policy & Legal Advice Section, UNHCR  
Andrew Hopkins, Population Data Unit, UNHCR  
Dona Tarpey, Population Data Unit, UNHCR

### Objective:

To discuss registration in the context of refugee protection and service delivery and to inform participants of the development of new tools, standards and procedures.

### Intervention(s):

An overview was given on how and why registration is a tool for protection, for example, by identifying vulnerable refugees against the standards set out in ExCom Conclusion 91 of October 2001. Project Profile addressed access to registration and de-registration, as well as the three levels of registration and the data collected at each stage - Level 1: in mass influx situations/minimal; Level 2: basic; and Level 3: complete. The products of Project Profile include a handbook, a registration training package, a communications strategy, and the development of new registration software. The role of NGOs is direct or indirect, their involvement is “situational”, and their feedback is valuable for the new registration handbook.

### Discussion:

Ways to protect confidentiality and human rights - how and with whom will information be shared – is outlined in ExCom Conclusion 91. Ways to ensure confidentiality are also covered in the new handbook. Regarding the use of biometrics, there will not be one worldwide database, but individual datasets will be “owned” by each country of concern. Advocating capturing of digital photographs. How can agencies deal with the misuse of data by governments, particularly in relation to re-admission agreements and the return of failed asylum seekers (for example, Chechen refugees in Kazakhstan)? UNHCR has strict rules regarding sharing information with the country of origin. Information is collected and shared according to the context so as not to jeopardize the refugee’s protection. Data will be updated once the software is complete rather than re-register everyone.

### Conclusion(s):

UNHCR has very ambitious plans for registration, including the development of Project Profile as a tool for standards and procedures involving 3 levels of data collection and time lines. A draft handbook will be issued shortly and feedback and input will be gathered over the next year before a final handbook is issued. Concerns were raised about NGO access to data for designing programme interventions, the misuse of information by governments and others, confidentiality, security and the use of data in resettlement.

<i>Rating/Session</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
Registration as a key protection tool			2				1	1			2	
17 participants												

## 6. Convention Plus and the High Commissioner's Forum: An opportunity to improve refugee protection?

**Moderator:** Joseph Aguetant, International Rescue Committee

**Speaker(s):** Jean-François Durieux, Convention Plus Unit, UNHCR

Margaret Piper, Refugee Council of Australia

José Riera, Department of International Protection, UNHCR

### Objective:

- To provide a clear understanding of the Convention Plus and Forum initiative and its link to the Global Consultations and follow-up to the Agenda for Protection
- To get a clear understanding of the process and the planned next steps to move this initiative forward
- To reaffirm UNHCR's intentions to associate NGOs meaningfully and to seek ways in which NGOs can contribute to the Forum

### Intervention(s):

Some would argue Convention Plus and the High Commissioner's Forum are an opportunity to improve protection; others would see it as a process controlled by States aimed to solve their problems rather than those of the refugees. More than ever, UNHCR's mandate is to find a permanent solution to both refugees' problems and the "problem of refugees". Is Convention Plus the answer? We cannot ignore the problems that refugees experience, such as detention, lack of registration and documentation, and protracted exile. We also cannot disregard the problems of States. "Burden shifting" does not necessarily solve people's problems and may, arguably, make them worse.

UNHCR described Convention Plus as part of an incremental process beginning with the Global Consultations on International Protection and the Agenda for Protection. Convention Plus is a continuation of UNHCR's effort to find new tools for protection while strengthening international cooperation to provide permanent solutions to refugee problems. The Agenda for Protection contains the embryo of the Convention Plus initiative. Convention Plus:

- seeks to find a comprehensive approach to durable solutions, particularly for protracted refugee situations;
- tries to make better use of resettlement, expanding it as a tool of protection and as a durable solution; and it
- seeks to improve the capacity of countries of first asylum to protect and assist refugees.

Themes to be discussed with a view to adopting special agreements comprise:

- Strategic use of resettlement (facilitated by Canada). The aim would be to use resettlement more strategically, as part of comprehensive durable solutions arrangements
- Development assistance for refugee-hosting countries and communities, to encourage self-reliance, recognize refugees as agents of development and, where feasible, support local integration, while also enhancing the sustainability of voluntary repatriation (facilitated by Denmark and Japan)
- Secondary movements (facilitated by Switzerland)

These themes address gaps and flaws in inter-State cooperation and the question of how to improve "burden/ responsibility sharing" for which there is no universal formula.

From the NGO perspective, metaphorically, NGOs are one essential leg of the three-legged stool composed of States and the UN in this process. Each of those legs needs to be strong to ensure the overall stability of the process. These initiatives provide NGOs with an opportunity to reflect on their role, because in the current climate there is a real danger States might use these initiatives to pursue their own interests to the detriment of the asylum regime (Convention Plus becoming a



Convention Minus). NGOs should come forward and provide a reality check. NGOs need to engage in strategic thinking. They need:

- to decide for themselves whether and where they have a strategic interest (do they want to engage across the board or partially?);
- creativity, not only the Geneva-based NGOs;
- a co-ordination mechanism, whether this be an enhanced ICVA role (which implies providing additional funds), a secondment to UNHCR or some other mechanism;
- to find ways to work collaboratively; and
- discipline, recognising the need to play by the ground rules so that we do not give room to our detractors.

### Discussion

Burden sharing for developed nations implies solidarity and sustainability so as to avoid quick fixes. With regard to the process, the Forum will work as a “sounding board” whereby facilitating States will regularly report on progress and get feedback from States not involved in the same issue. With regard to the values (moral, religious) that would enrich what was seen as a rather legalistic and western driven process, the multilateral approach is key to ensuring that all States are consulted throughout the process. The multilateral character of the consultations should also provide a monitoring mechanism to ensure that Special Agreements are implemented (especially in light of dwindling resources within UNHCR), including through peer review. UNHCR has experience in establishing monitoring mechanisms in the context of “comprehensive plans of action”. The example of CIREFCA was provided where national, regional and international mechanisms were put in place.

<i>Rating/Session</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													
Convention Plus and the HC's Forum			6	6		1	8	3			7	5	
44 participants													

## 7. Evaluations on Women, Children and Community Services: Next Steps

**Moderator:** Christine Bloch, Jesuit Refugee Service

**Speaker(s):** Larry Bottinick, Protection Operations Support Section, UNHCR  
 Daisy Dell, Division of Operational Support Section, UNHCR  
 Hans Lind, Save the Children  
 Mamadou Ndiaye, OFADEC  
 Leslie Norton, Permanent Mission of Canada

### Objective(s):

Seek methodologies to improve the participation of beneficiaries and to ensure a cross-sectoral, inter-agency approach to community development. Brief NGOs on the follow-up initiatives to the three evaluations and ensure their active involvement.

### Intervention(s):

The main findings of the three evaluations recognised the value of UNHCR's current policies and guidelines and highlighted their inadequate implementation. There is concern over the lack of institutional ownership of various policy priorities by UNHCR's HQ work units and staff at field levels. UNHCR outlined the main points for follow-up:

- 1) Ensure increased refugee participation in programme planning and design via the development of a situation analysis tool (workshop in October);
- 2) Increased institutional ownership and better implementation of priority policies in the field; establishment of multi-sectoral teams in the field to replace the more traditional focal points on refugee women and refugee children; and to include NGO partners in such teams.
- 3) Increased dissemination of policies including more training.

The NGOs cited four main reasons for UNHCR's failure to implement policies and guidelines:

- 1) Under-resourcing of staff mainly in community services;
- 2) Lack of recognition that a community-based approach is a method for implementing all field-based work; assistance as well as protection (especially with regard to physical and social protection), and the need for a multi-sectoral approach within UNHCR;
- 3) Shortcomings in partnership with other actors and the need for an inter-agency cooperation both with UN agencies and NGOs;
- 4) Lack of accountability mechanisms within UNHCR.

ARC (Action for the Rights of Children) has taught us lessons that can be used to follow up on the three evaluations:

- 1) The individual field worker needs clear responsibilities and must be held accountable to those;
- 2) The organization needs a clearly defined policy (on refugee children and women) and ensure that these policies are understood and implemented by all staff at all levels;
- 3) Inter-agency and other partnerships – ensuring the effectiveness of the interagency model depends on the strength of communications established between them.
- 4) The need to direct training at the entire multi-sectoral team and not just at the individual staff member responsible for child protection issues.

Governments focus on transparency and accountability in follow up to the three evaluations including the establishment of a timeframe and benchmarks.

**Discussion:**

- 1) Would UNHCR agree to a peer review process to examine whether the follow up measures have the intended effect?
- 2) Concern and disappointment were expressed over the changes in DOS leading to the discontinuation of the posts of the two senior coordinators on refugee women and refugee children, as well as the discontinuation of the post in DIP on protection of refugee women and refugee children.
- 3) Whether the multi-sectoral team approach is being implemented actively, and whether it has been implemented in other places than Turkey.
- 4) Whether UNHCR has criteria for ensuring that human right standards are being upheld by implementing partners.
- 5) How to increase participation of beneficiaries, and how to change the top-down approach to a bottom-up approach?
- 6) How to ensure sustainability and beneficiaries' ownership to projects and programmes so that the programme does not stop once UNHCR and NGOs leave?
- 7) How to ensure transparency in follow up to the evaluations.

**Conclusion(s):**

- 1) The development of a situation analysis tool is key to ensuring that UNHCR does not lose touch with the refugees and to enable planning and design, as well as implementation with the full participation of the beneficiaries.
- 2) A multi-sectoral team approach in all field offices would ensure the protection of refugee women and children. Such teams should include NGOs with expertise in these areas. However, multi-sectoral teams do not replace the need for staff with special expertise on the protection of refugee children and women to facilitate the mainstreaming of this work.
- 3) Clear responsibilities and accountability for individual staff members and the establishment of a timeframe and benchmarks are key to the implementation of UNHCR's policies and guidelines.
- 4) UNHCR will ensure transparency on the follow-up to the three evaluations by establishing an Ad-hoc Steering Committee comprising UNHCR, governments and NGOs. UNHCR will also look into the suggestion to have a peer review process to monitor the effect of the follow-up on the evaluations.

- 5) NGOs will establish an e-mail reference group to share information and provide input into UNHCR's follow-up initiatives.

<i>Rating/Session</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
Evaluations: Next steps		2	4	2			5	3			4	4
30 participants												

## 8. Human rights and the protection of refugees

**Moderator:** Henk von Goethem, Reach Out

**Speaker(s):** Christoph Bierwirth, Protection Policy & Legal Advice Section, UNHCR  
Christine Bloch, Jesuit Refugee Service  
Kate Fox, United Nations High Commissioner for Human Rights  
Mamadou Ndiaye, OFADEC  
Leslie Norton, Permanent Mission of Canada

### Objective(s):

- Analyse the interlinkages between human rights (HR) and refugee protection (RP), particularly the use of international and regional human rights advocacy, monitoring, reporting and complaints mechanisms to improve the protection of refugees.
- Explore NGO and UNHCR practical means of cooperation with different actors within the UN human rights machinery.
- Seek to exchange experiences and strategies for the use of human rights machinery in refugee protection.

### Intervention(s):

The session reviewed the historical background and perspective of NGO refugee advocates' involvement with human rights institutions, mechanisms and standards from the Children Rights Convention (CRC) campaigning up to the 2003 Human Rights Commission at which an alliance of NGOs (Amnesty International, Friends World Committee for Consultation-Quakers, Human Rights Watch, International Catholic Migration Commission, Jesuit Refugee Services) lobbied for the human rights of internally displaced populations, non-citizens, migrants and refugee populations. A concrete outcome was the adoption of a biannual thematic compilation of references to refugees and asylum-seekers in the documents and resolutions of the Human Rights Commission.

All human rights standards (except for a few political rights) apply equally to non-citizens, refugees, asylum-seekers and migrants since these standards are upheld and protected by States within their jurisdiction. Whereas the Human Rights Commission is, in essence, a political body composed of governmental representatives meeting 6 weeks every year, independent experts serve on the treaty monitoring bodies. Although no specific agenda items at the Commission focus on refugees, NGOs have found imaginative ways to bring refugee protection concerns onto the agenda, e.g. through items on country or mass exodus or various resolutions. Special rapporteur procedures include a most helpful/effective urgent appeals mechanism to protect individuals at risk from torture, forced removals, or arbitrary detention.

Besides the main treaty monitoring bodies<sup>1</sup>, a novel body has been established as part of the entry into force of the International Convention for the Protection of Migrant Workers and their

<sup>1</sup> Convention on the Rights of the Child (CRC); Human Rights Committee, International Convention on Civil & Political Rights (ICCPR); International Convention on Economic, Social & Cultural Rights (ICESCR); Convention for the Elimination of all forms of Discrimination Against Women (CEDAW); Convention on the Elimination of Racial Discrimination (CERD); Committee Against Torture (CAT).

Families: but only the CEDAW in New York and the CERD, CAT and HRs Committee can entertain individual complaints. All bodies operate as quasi-judicial organs and provide general comments on the implementation of state obligations toward HR standards. Useful examples of the effectiveness of human rights mechanisms to uphold the rights of refugees are cases brought under Art. 9 ICCPR for instance *B. vs Australia* where Australia's blanket policy of detention of asylum claimants was considered a grave violation by the HR's Committee. The interim measures procedure before the HR's Committee is another highly effective protection mechanism for refugees and asylum claimants to stay removal proceedings if an individual is at serious risk of irreparable harm. Few strong cases of refugee or asylum seekers have been brought to CAT Committee under Art. 3 (prohibition of refoulement if risk of torture or degrading/inhuman treatment/punishment) or the death penalty. NGOs should bring such strong cases forward.

Under newly agreed procedures, the General Comments adopted by the TM bodies will be presented in draft to NGOs and intergovernmental organisations such as UNHCR for comments/review/observations. General Comment No. 15 of the Human Rights Committee constitutes an authoritative statement about the applicability of civil human rights to non-citizens. A draft general comment on the rights of non-citizens before the CERD committee will be reviewed and adopted in March 2004.

UNHCR's mandate to provide international protection is neither geographically limited to the 1951 Refugee Convention/1967 Protocol signatory States, nor functionally confined to a limited number of task-specific-related human rights standards as part of UNHCR's supervisory role. There is a risk of elaborating different human rights protection standards if too many players come to the fore in an uncoordinated manner; hence UNHCR's reluctance to support proposals for a Human Rights Commission Special Rapporteur on Refugees.

UNHCR's strategic considerations to avail of human rights mechanisms at the national level vary considerably according to the operational contexts, countries (degree of law of order, state and effectiveness of the judicial system, etc.). National human rights protection mechanisms should always be tested and exhausted to advance protection of refugees and asylum claimants. A balance between regional and universal human rights machinery is also needed as some mechanisms are mutually exclusive. NGOs can and do play a vital protection role, e.g. in the provision of legal counselling services to asylum claimants, running of legal aid clinics for returnees, and the provision of education scholarships to refugees. But NGOs must be highly professional, well-trained, equipped and resourced to take delicate, difficult and resource-intensive decisions to make protection of refugees a reality.

#### **Discussion:**

A presentation was given on Australian and Canadian case studies regarding the importance of UN human rights mechanisms in protecting refugees. Participants were asked to give feedback on the 'Thematic Compilation of References to Refugees and Asylum-Seekers' submitted at the 59<sup>th</sup> session of the UN Commission on Human Rights. It is important that national health and human rights mechanisms and institutions, including independent national commissions, accord priority to refugee protection issues in their work plans. It is also important that NGOs look into and address the root causes of human rights abuses and refugee protection failures as well as according more importance to children rights protection and landmine marking, mapping, clearance and sensitization efforts at the national level. The real issue is teeth if one is facing a non-apologetic government such as the Australian. NGOs should trigger emergency UN human rights mechanisms to address human rights violations, including forced returns of Chechen IDPs and refugees. UNHCR was asked to explain its reluctance to take cases to court and instead arrange stay of removal proceedings via discrete backroom discussions thus not creating a judicial precedent.

**Conclusion(s):**

- Human rights apply to all, including non-citizens, refugees, asylum claimants and stateless persons.
- NGOs can and should bring strong cases before regional and universal UN treaty monitoring bodies to uphold and protect the human rights of refugees after having fully exhausted national remedies,
- UNHCR's strategic considerations to avail of human rights machinery to secure refugee rights depend upon the operational national/regional context, the availability of an effective national protection infrastructure, and professional NGOs to operate as protection partners.

<i>Rating/Session</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
1 v. poor – 4 v. good	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Human Rights and the protection of refugees		1	6	4			7	4			5	5
55 participants												

**9. Refugee camp security and the civilian character of asylum**

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

**Speaker(s):** Sharon Cooper, Protection Policy & Legal Advice Section, UNHCR

Bruno Geddo, Regional Bureau for Africa, UNHCR

Iain Hall, Emergency & Security Service, UNHCR

**Objective(s):**

Focus on practical follow-up to Conclusion No.94 endorsed at the 53<sup>rd</sup> Session of ExCom on refugee security and maintaining the civilian and humanitarian character of asylum.

**Intervention(s):**

UNHCR outlined the steps currently being undertaken to "operationalise" the conclusion on refugee security – an important initiative and joint effort to combat the militarisation of refugee camps. Challenges to the implementation of the Conclusion No. 94 include both an unwillingness of some governments to address the issue (when national political agendas and priorities take precedent) and an inability of other governments to do so due to technical capacities, resource shortages and sheer scope and complexity of the issue. Solutions to these challenges will be discussed at an 'Meeting of Experts' to be convened in early 2004. UNHCR and other UN agencies (notably DPKO) governments, institutions and civil society partners will be tasked with identifying best practice in identification, separation and internment of armed elements from within bona-fide refugee populations and preparing a policy recommendation and best practice guidelines for broad debate and implementation.

Camp security is primarily about the physical security of refugees. It encompasses serious criminal acts and all forms of human rights abuses. The definition was expanded to include the safety of UNHCR and NGO staff and local/host communities. UNHCR has guidelines and strategies in place to improve security in camps such as locating camps away from borders and the separation of refugees from the military. However, they are guidelines only; each situation is unique and specific strategies and appropriate approaches must remain flexible to the problem at hand. The role of training national security authorities, the sensitisation of staff and the need for effective rules and procedures in camp management are very important. There has been success in engaging refugees in contributing to their own security, but again, there are some evident problems in some aspects of customary law, in particular in relation to women. Remedial action, such as 'Mobile Courts', has been effective in addressing the issue of SGBV in some cases. It is important to acknowledge that without adequate minimum standards of living for refugees, camp security will remain a serious challenge. NGOs and UNHCR must continue to work co-operatively.

UNHCR highlighted that NGOs are very often the “ears and eyes” and the the inter-action on security issues needs to be more systematic and inclusive of all actors.

Despite Conclusion No. 94 and numerous other ExCom conclusions and guidelines, the stark reality is that camp security remains a serious problem and human rights abuses have increased in some parts of the world. Some positive steps have been taken in a context of increasingly complex issues, but at times they have proven inadequate. The physical protection of IDPs in Liberia has been a good example. However, in this situation the UN mandated military force were co-opted to protect refugees and IDPs. Another way forward lies in community security structures, burden sharing and capacity building. The Canadian Mounted Police initiative in Guinea, for example, did not offer direct protection to refugees but assisted with building camp security infrastructure through training and other capacity-building measures. Reliable and dependable partnerships, sharing of positive initiatives and good evaluations are extremely important.

#### **Discussion:**

Discussion focused around the effectiveness of mobile courts and local justice. The difference between the enforcement of host country law, which can be effective, and customary law, which is problematic was explained. Substantial work is being done to address these problems. Essentially, good practice is dependent on good, trained local police, and these are often not available. An example of effective protection was where wardens from both the refugee and local communities were trained and offered security in camps. The abuse of power by some refugees also poses a security threat. It was agreed that refugee camp security is much broader than policing and must include activities for youth, primary, secondary and vocational education, and adequate living standards. Just as important is the fostering of civil security.

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

Guidelines and conclusions are only useful if implementable and well supported. This requires good political will and close co-operation between the host government, UNHCR, NGOs and local communities.

<i>Rating/Session</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
1 v. poor – 4 v. good	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Camp security & the character of asylum		1	4	2			6	1			5	2
12 participants												

## **10. IDPs: Working towards a collaborative approach?**

**Moderator:** Andreas Danevad, Norwegian Refugee Council

**Speaker(s):** Guillermo Bettocchi, IDP Unit, OCHA

Neville Pradhan, Lutheran World Federation

Rick Towle, Department of International Protection, UNHCR

#### **Objective:**

Discuss the collaborative approach for UN response towards IDPs. Reflect specifically on UNHCR's role in meeting the protection and assistance needs of IDPs within the context of the collaborative approach. Discuss the role of NGOs within the framework of the collaborative approach.

#### **Intervention(s):**

UNHCR fully supports the collaborative approach and underscored the need for effective division of labour based not only on mandates but also the added value, special expertise and experience of individual partners at various stages of the “displacement cycle”. UNHCR’s particular added value lies in the post-conflict phase when the returns of displaced people - including refugees and IDPs -

was feasible and was being planned/implemented. But this does not exclude UNHCR being an active contributor to the common UN efforts at other stages of displacement. Adequate resources, staff security and effective access to affected populations are all considerations for UNHCR in assessing the kind of support it can offer under the collaborative approach to protect and assist IDPs. Interactive and engaged country teams are crucial for the collaborative approach to work. There is a need for regularly updated needs analysis and risk assessments of IDP situations to be conducted at the country level. These are crucial in informing and developing common strategies for the UNCT.

It was acknowledged that the overall policy criteria are clear but the challenge is to make them work at the field level. Several good examples exist where UNHCR has made a valuable contribution to the protection and assistance of IDPs. UNHCR has a vital role to play in the returns and reintegration phase, and this is an area where effective inter-agency cooperation is essential.

From the NGO perspective, the collaborative approach is presently not effectively implemented at the field level. The challenge is translating headquarters' decisions and policies regarding the collaborative approach to field-based actors. The success of the collaborative approach is too dependent on the management style of the humanitarian coordinators and personal relations between the main actors on the ground. Resource availability should not be the sole element for UNHCR to decide when to get involved with IDPs. NGOs can in many cases fill the gaps or complement the work of the UN, and sufficient resources must be mobilized for NGOs when the UN system pulls out of emergencies (i.e. Liberia).

#### **Discussion:**

UNHCR's role in the collaborative approach needs to be further clarified/operationalised and made more predictable. In complex emergencies, UNHCR could play an important and proactive role to ensure that IDP protection needs are included in the overall humanitarian response strategy – even when not appointed as lead agency. Stronger mechanisms are needed to monitor the implementation of a collaborative approach in a specific country. NGOs have been an active partner in the decision making process behind the collaborative approach and should remain an active partner in its implementation. Need for a more institutionalized mechanism to implement the collaborative approach effectively.

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

The problem is that the success of the collaborative approach relies too much on the management style and skills of the humanitarian coordinators and the working relationships of actors, usually the UNCT, at the field level and insufficient weight is given to developing integrated strategies based on the protection needs of the IDPs.

<i>Rating/Session</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
IDPs: working toward a collaborative approach?			4	2		1	4	1			4	2
30 participants												

## **11. Durable Solutions: Livelihood and self-reliance for refugees**

**Moderator:** Myriam Houtart, Reintegration & Local Settlement Section, UNHCR

**Speaker(s):** Jock Baker, CARE USA

Jeff Crisp, Evaluation & Policy Analysis Unit, UNHCR

Sheila Grudem, World Food Programme

Niels Harild, Reintegration & Local Settlement Section, UNHCR

**Objective(s):**

Key issues and challenges in the promotion of livelihood and self-reliance for refugees.

**Intervention(s):**

Presentations comprised UNHCR's durable solutions framework, the WFP policy on livelihood, a history of self-reliance in UNHCR, and the NGO perspective of the shift from relief to development.

**Discussion:**

Self-reliance is a basic right. Refugees who are productive and empowered will be better prepared for durable solutions and more likely to return. Importance of a legal framework to support the promotion of durable solutions, whether in asylum or return. Self-reliance is a cross-cutting issue and is the basis to prepare for any of the solutions. In repatriation operations, the 4Rs (Repatriation, Reintegration, Rehabilitation and Reconstruction) approach should be taken by the UNCT, Govt and partners as part of a wider country transition strategy. For UNHCR and partners, repatriation should not take precedence over the three other Rs (reintegration, rehabilitation, and reconstruction). Sustainable reintegration requires preparation in asylum. Similarly, Development Assistance for Refugees (DAR) should not be seen as an exit strategy but a platform for durable solutions.

Planning and promotion of self-reliance should be based on situation analysis (social, political and economic context including the market). The approach taken in emergencies will set the stage for promotion of longer term interventions. The transition between assistance and self-reliance activities should be sharpened and plan from a very early stage of an operation. National NGOs have access to refugees, the local communities and their own government. They should, therefore, be made better use of and supported in the promotion of self-reliance.

**Conclusion(s):**

Promotion of self-reliance leading to durable solutions is a collaborative effort from governments, UN Country Teams, International Financial Institutions, donors and civil society, together with communities. It requires flexible funding that can accommodate immediate and short terms needs as well as activities that have longer term vision and impact (allowing the link between relief and development and transition interventions).

<i>Rating/Session</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
Livelihood and self-reliance for refugees		2	7	6		2	4	9		1	3	11
20 participants												

**12. Better refugee protection world-wide, including in regions of origin**

**Moderator:** Rachel Brett, Quaker United Nations Office

**Speaker(s):** Christopher Hein, Italian Council for Refugees

Volker Turk, Protection Policy & Legal Advice Section, UNHCR

**Objective(s):**

Set out, discuss and seek input on UNHCR's thinking and strategy in this regard, stemming not least from the Agenda for Protection, the Global Consultations process and the UNHCR three-pronged proposal.

**Intervention(s):**

Today's environment can be described as complex, given the asylum-migration nexus, security concerns post-September 11 and policy developments that often run counter to established protection principles. This being said, a lot of progress has been made on the legal front, through



favourable court judgments and the 2<sup>nd</sup> track of Global Consultations. What is required, are comprehensive durable solutions arrangements, concrete initiatives to strengthen protection capacities in host countries and coherent regional approaches consistent with international refugee law standards. The current policy debate on asylum would benefit from the human rights discourse, notably from a global equity and global social justice perspective.

The NGO perspective is that effective protection is not only non-refoulement but freedom from threat towards life and of torture, and a sense of life prospects. Resettlement is one solution and should be much higher on the EU agenda.

#### **Discussion:**

The discussion revolved around the following questions. What is the region, for example Chechnya? What does effective protection mean, for example in Iran? How does the first country of asylum concept fit with being able to request and to obtain effective protection – both in these countries and elsewhere if no effective protection in a transit country? The language in UNHCR’s three pronged approach raises concerns for NGOs as to whether UNHCR’s position had changed, cf. the Agenda for Protection. How do we generate political will for refugee protection?

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

Need to give further consideration to the reality on the ground and to operationalize “effective protection”. How can we develop a holistic approach to protection, including through specific (Convention Plus) agreements?

<i>Rating/Session</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
1 v. poor – 4 v. good	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Better refugee protection world-wide	1		9	3		1	10	2		1	9	3
35 participants												

### **13. Education: Providing protection and skills for rebuilding communities**

**Moderator:** Nan Buzard, Sphere Project

**Speaker(s):** Allison Anderson Pillsbury, International Rescue Committee  
 Pamela Baxter, Health & Community Development Section, UNHCR  
 Beverley Roberts, Inter-Agency Network on Education in Emergencies  
 Nemia Temporal, Health & Community Development Section, UNHCR

#### **Objective:**

Describe the Inter-Agency Network on Education in Emergencies. Discuss opportunities and challenges on promoting education in emergencies. Expand the network towards effective collaboration. Education is a protection activity and a key pillar of humanitarianism.

#### **Intervention(s):**

Mechanisms are available through UNHCR and there is a need to broaden partnership. Education can deliver life skills essential for survival and dignity. Peace education is based on specific methodology (participatory and interactive) as well as content. INEE is a resource for actors to share best practice and key resources. INEE promotes collaboration in emergency education development and is facilitating a global participatory process to identify minimum standards. Standards aim to improve education quality and accountability, and a common language.

#### **Discussion:**

There is a necessity to identify the gaps and lack of opportunities, such as adolescents, youth, post-primary and non-formal. Donors do not fund education in emergencies and the challenge is, therefore, one of monitoring the implementation of standards. There can also be a difference between the curriculum of the host country and that of the refugees. It is essential to develop

quality teacher training and conduct. Local education systems must be established or else refugees will not return.

**Conclusion(s):**

Education is a core element of humanitarian response. It provides essential protection and facilitates repatriation and reconstruction. If donors do not increase support for education in all phases of an emergency, the affected populations will lack the skills needed to rebuild their societies.

<i>Rating/Session</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
1 v. poor – 4 v. good	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Education: skills for rebuilding communities		1	2	5			3	5		1	2	5
32 participants												

**14. Beyond Codes of Conduct: Developing complaints and investigation mechanisms**

**Moderator:** Jane Warburton, International Rescue Committee

**Speaker(s):** Vincent Cochetel, Inspector General’s Office, UNHCR  
Heather MacLeod, World Vision International

**Objective:**

Examine the joint UNHCR/NGO initiative to enhance NGO capacity to conduct investigations. Discuss the tools available (manuals, guidelines, codes of conduct, etc.) and how to create a common pool of expertise to deal with these issues. Identify the difficulties encountered with operationalising Codes of Conduct.

**Intervention(s):**

Abuse and exploitation can be committed by community members and/or humanitarian workers and systems need to be in place to address both. Codes of Conduct were activated in response to abuse by humanitarian workers. To whom does the Code apply? When does it apply? Organizations need to have a training/dissemination strategy and it is important that this is not seen as a one time exercise. Having a Code is only the first step, and only half of UNHCR’s implementing partners have codes of conduct. Increased reporting does not mean increased incidents; it is a positive indicator that we have increased awareness. Staff have been more comfortable reporting exploitation and raising other ethical questions.

Assessment of current complaints mechanisms (lessons learned since October 2002)

- Internal vs. external complaints mechanisms
- Inter-agency versus internal complaints mechanisms
- Inadequate preventative information strategies
- Current initiatives in harmonizing complaint mechanisms.

There is a fear factor related to complaints mechanisms, and it can be very difficult and dangerous to report incidents of abuse. Organizations may be reluctant to report and/or hear about incidents of abuse, because of concern of a negative reaction among donors.

UNHCR investigates allegations against its staff and accepts that it is the NGO’s responsibility to investigate complaints with respect to their own employees. We need to build the capacity to respond appropriately when abuse is reported.

Broader responses to allegations of abuse comprise strategic approaches containing key principles:

- Be proactive: Make sure that services are available to respond to the victims. Build relationships with Community services and build supportive relationships with staff. Train before and not during a crisis.

- Be reactive: Have simple clear steps to take when abuses are reported. Adopt a team approach - staff stress in dealing with those issues can be very high.
- Be intentional: Through integration, clear ownership of roles, be country specific, and policies need positive not only negative messages.

Five components to be considered when an allegation of abuse is made:

1. The child in context of family and community
2. The accused perpetrator
3. Legal process
4. Media considerations
5. Organizational risks

### **Discussion:**

It is important to address the punishment, but also the preventive mechanisms. A Code of conduct is to maintain the dignity of the refugees themselves. The code of conduct needs a moral, ethical, and human rights education to accompany its implementation. Women and children are of course the most vulnerable. Children must be included as key actors. Children have knowledge and can actively monitor the situations of children, particularly when there is a risk of abuse. Prevention has been very weak. There have been situations where it was known that abuse was occurring, yet action was not taken. Also, we need to engage more with men about how to be protectors and being involved.

The problem of “street-level bureaucracy”: attitude, ideology, culture, and religion among the staff are major impediments to progress. Two days gender training in a country with a heavily patriarchal system does not change those main issues. Attitude and culture are very important in this context. How much have we actually learned from West Africa? But there are other examples of gross negligence. An example was given of a UNHCR employee who would not reissue a registration card to women whose cards had been burnt, and those women resorted to prostitution. UNHCR partners in the field should report these situations, yet many times NGO partners do not report abuse and exploitation. Silence is a form of complicity. Religious issues: HIV/AIDS work has engaged with religious leaders. It has been helpful at least in raising the issue and discussing religious beliefs that allow certain things to happen. We should link in with other groups who have done similar work with them. Attitudes and beliefs may take longer to change, but at least we can focus on changing behaviour through the Codes of Conduct.

With regard to the media’s role, if you respond professionally and immediately, the media is likely to respond more favourably. It is better to have a good response and take action. It is also important to protect confidentiality. Regarding the relationship with law enforcement authorities, we are at the beginning of cooperation with legal authorities, and it is different depending on the country. We must be accountable to the victim, and must try to help the victim seek some form of redress. It is important to have competent and equipped people who are able to do investigations, so that we do not jeopardize the evidence and future criminal prosecution. Training with law enforcers can improve the quality of their response.

The Secretary General’s bulletin containing the six core principles on sexual abuse and exploitation will be adopted for all UN staff in October 2003 and should address the problem of off-duty behaviour. Regarding reemployment of workers accused/convicted of abuse, if the agency is asked about why the person was dismissed, then they will give that information. Too much emphasis may be placed on the linguistic skills of candidates. Systematic reference checks should also take place in the field.

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

It is positive that these discussions are continuing. Pooling expertise is the way to make progress, rather than reinventing the wheel. In order to increase protection, the issue of abuse and exploitation must be integrated into all programme interventions.

<i>Rating/Session</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
1 v. poor – 4 v. good	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Beyond Codes of Conduct			2	1			2	1			2	1
18 participants												

## 15. NGO sustainability within a changing funding environment

**Moderator:** Vesna Vukovic, Regional Unit in Budapest, UNHCR

**Speaker(s):** Christine Cartland, ECRE

András Kováts, Menedek – Hungarian Association for Migrants

Craig Sanders, NGO Liaison Unit, UNHCR

### **Objective(s):**

Examine issues of national NGO (protection) capacities and the challenges of sustainability in the changing funding environment with focus on Central Europe and Baltic States.

### **Intervention(s):**

UNHCR indicated that NGOs and other members of civil society play a particularly important role in protecting and assisting refugees and asylum seekers, as well as, strengthening national protection capacities. As partners of UNHCR, NGOs should actively participate in a common protection agenda. Over the past years, UNHCR funding has been continuously decreasing in the Central Europe and Baltic States. Within this light UNHCR increasingly relies on NGOs to implement a number of activities with other funding.

Many NGOs, particularly national NGOs created by UNHCR, are very dependent on the organisation. Warnings on decreased funding by UNHCR were given over the years but there is no clear or comprehensive strategy on future co-operation within the decreased funding environment. It should be identified if sustainability of protection capacity or the NGO's survival is the priority.

Out of 550 NGO implementing partners with UNHCR, over 400 are national NGOs. Over the past decade, some US\$4 billion was channelled through implementing partners. In 2002, some US\$80 million is given in support to national NGOs, and legal assistance/protection is the main area of funding. Many activities were made in capacity building with limited results.

Focusing on NGO sustainability, EU accession has not increased the level of funding and some NGOs have collapsed. Key weaknesses comprise lack of planning and fundraising strategies. Core funding is not easy to find and is often project based. A fundraising strategy should be individualistic. EU funding goes increasingly to governments. However, ECRE can play a supportive role in the transition to new sources of funding. A consortium approach in fundraising has been successful. Funding from the general public has been difficult to obtain.

### **Discussion:**

Funds are essential to survive and all NGOs are suffering from the funding crisis. UNHCR decreased funding levels were described but no sufficient explanation given regarding the funding trends. UNHCR depends on voluntary contributions and five states provide two-thirds of the funding. The operational environment has changed with more bilateral funding. When available government funds are often channelled through NGOs favoured by the Government and/or the international NGOs, and it is often not transparent. There are inconsistencies in funding levels and government funding runs the risk of nurturing an imbalance in the achievement of minimum standards. There is a need for further UNHCR/NGO a joint strategy to prioritize assistance and refugees need to be actively involved. There are trends of new evolving dimension of partnership based on how much a partner can bring to the table.

**Conclusion(s):**

There is a continued heavy NGO dependency on UNHCR although it is varied, and there was a call for UNHCR to have more clarity on its strategy for NNGOs. It is important to note that NGOs and country situations are individual and should not be generalized. There is a need for more NGO/UNHCR cooperation in fundraising efforts including the active involvement of refugees in all aspects of UNHCR programmes. More joint strategies and several case scenarios from future cooperation (both globally and at a national level) should be developed. Even in cases where there is successful complementary funding, NGO core costs are often not funded. UNHCR is interested in NGO survival but there was an appeal to realise that it is not UNHCR's first priority. The decreased UNHCR funding has a negative impact on the quality of protection and general protection capacity as other donors and governments have other priorities that are not in line with those of UNHCR, thus running a risk of decreased impact on regional/national protection schemes. It is recommended to create a forum to better define the role and nature of UNHCR/NGO co-operation interlinking policy priorities and the level of funding.

<i>Rating/Session</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
NGO sustainability in a changing environment		1	3	7			4	7			2	8
29 participants												

**Regional Sessions****16. Africa Bureau**

**Moderator:** Mamadou Ndiaye, OFADEC

**Speaker(s):** David Lambo, Director, UNHCR *joined by:*

Ebrima Camara, Deputy Director, UNHCR

Bruno Geddo, Senior Legal Advisor, UNHCR

Zobida Hassim-Ashagrie, Deputy Director, UNHCR

Ngonlardje Mbaidjol, Division of International Protection, UNHCR

**Objective(s):**

Identify the main protection challenges in Africa and discuss how NGOs and UNHCR can work together to enhance refugee protection in its broadest sense.

**Intervention(s):**

Refugee situations in Africa are becoming even more challenging. Protection challenges comprise legal protection and physical protection. Physical protection problems include safety (SGBV, harassment, exploitation, crime) and civilian character of camps (forced recruitment, attacks on refugee camps). There are a number of areas where NGOs and UNHCR can work on increased partnership, such as RSD, advocacy, litigation on behalf of refugees, resettlement, and joint training.

**Discussion:**

Education, including secondary education, is essential to protection and can prevent exploitation, SGBV, crime and forced recruitment. Joint strategic planning between UNHCR and NGOs needs more work. It needs to be done at the field level (Country Operations Plan preparations) and at a more global/policy level. One goal is to build up and support local capacity in Africa. Budget constraints have serious impact for refugees (e.g. sanitary materials, security, education, assistance) and for NGO staff. Resettlement should be considered a durable solution and not just a protection tool. NGOs can help look at group resettlement. NGOs want to contribute more in refugee protection.

**Conclusion(s):**

Establish a draft plan on partnership with NGOs and set up a mechanism to monitor protection at the field level. Improve resettlement and consider it a durable solution and move beyond individual cases to thinking collectively. Joint training was recommended for implementing partners to work on refugee and host country education in primary and secondary schools.

<i>Rating/Session</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
1 v. poor – 4 v. good	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Africa		2	12	7		4	9	8		3	9	9
62 participants												

**17. Asia-Pacific Bureau**

**Moderator:** Joseph Aguetant, International Rescue Committee

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

Catherine Huck, Head of Desk I, UNHCR

Hiro Mori, Head of Desk II, UNHCR

**Objective(s):**

Provide information on protracted situations and asylum challenges in the Asia and the Pacific region and establish constructive dialogue between the Asia Bureau staff and participants.

**Discussion:**Protracted situations

- With regard to Bhutanese refugees in Nepal, the situation has evolved over the years. The High Commissioner's policy is to engage with the Government of Bhutan. In the past, UNHCR was kept at arm's length and seen as part of the problem as opposed to part of the solution. While UNHCR's proposal to establish a presence has still not received a favourable response, the High Commissioner has decided to use a more aggressive approach. This change was announced by the Assistant High Commissioner who expressed UNHCR's concern that this protracted situation is not receiving enough international attention. There is nothing new in the UNHCR proposal, however, the High Commissioner requested that UNHCR start putting pressure on both governments. We cannot afford in this day and age to allow States to deny the right to return of their own citizens.
- Local integration is still not an option in the eyes of the Bangladeshi government for the Rohingya refugees there. Camp conditions are much worse than in Nepal, as refugees are not allowed to work (need to bribe their way out of camps). In a December 2001 registration exercise which included the following question: "do you want to go back to your country of origin?", approximately 7,000 refugees said they wanted to return immediately but were blocked by bureaucratic conditions. The vast majority (14,000) said they were ready to return once a substantial change would occur in their country of nationality or habitual residence. Following a higher number of returns in the spring of 2003 (700 returns in May) and concern expressed by NGOs, UNHCR investigated allegations of coercion. The Bureau Director undertook a mission to Bangladesh in July and concluded that there was a level of undue pressure being placed upon refugees to repatriate. This was an instruction from the top with excess of zeal from local officials. In response to this challenge, UNHCR reinforced the capacity and doubled the number of protection officers. The numbers of returns have diminished from 162 in August to 91 to date. Overall, UNHCR's position is to insist that returns are voluntary. However [UNHCR] "cannot tolerate to keep these people in such conditions much longer".
- UNHCR was commended for establishing a presence in Papua New Guinea to deal with the situation there.

- Declaring a situation a protracted situation does not only depend on the length of time that refugees stay in camps, but on the availability of durable solutions.

#### Asylum Challenges

- Responding to a question on Aceh (Indonesia), UNHCR has no access nor does it have a mandate for IDPs in Indonesia. As for Acehese asylum seekers in Malaysia, Asian countries value economic ties and good relationships with neighbours, which have an impact on their policies toward asylum seekers and refugees. Deportation of the Acehese arrested outside the UNHCR office in mid-August has ceased, as UNHCR clarified in a recent meeting with the Home Minister that the *non-refoulement principle* applies to 1951 Refugee Convention signatories and non-signatories alike. UNHCR is hopeful that the situation is contained and that refoulement will not re-occur.
- The Director confirmed that 5,000 Chins were evicted from the State of Mizoram in India. UNHCR is limited in its interventions having no access to this part of the country. Resettlement opportunities are limited for the Burmese refugees in Delhi, but they have a right to stay in India.
- In Thailand, in spite of recent declarations by the Thai Prime Minister, the situation of refugees and asylum seekers outside camps has gone quite well according to UNHCR, especially when comparing with other situations in South East Asia. The Director will meet with the National Security Council Chairman during the ExCom week. There is continuous discussion with the Thai Government on asylum and camp issues. As for “deals between Myanmar/Burma and Thailand for mass deportation of Burmese refugees”, UNHCR had not heard anything and asked NGO representatives to provide information.
- Conditions are not improving for asylum seekers detained in Australia, while interdiction measures have reduced the number of new arrivals. In Indonesia, asylum seekers are reportedly held in appalling conditions. Refugees in Australia are not allowed to travel outside of the country or they do so at the risk of losing their status. Family reunification is not allowed, which is creating a lot of anxiety. Australian NGOs are looking for outside support and common advocacy themes to develop in a collaborative manner with UNHCR. UNHCR replied that its position on detention is known. It was suggested that NGOs and UNHCR should work closely together on this issue.
- On North Korean asylum seekers and refugees in China, limited country of origin information suggests that conditions are sufficiently bad (not to mention reports of SGBV and women subjected to near slavery) for determining that this population is “in need of assistance”. This is the lingo UNHCR has been using to avoid getting stuck on terminology issues with the Chinese government (who does not regard them as refugees). The Director does not believe that UNHCR will get any closer to opening a field office or find a solution by entering into a legal argument (e.g. arbitration) with the Chinese government. He confirmed however that given China is a signatory of the Convention, “this is where we need to act”. He said that UNHCR’s official position on North Korean asylum seekers and refugees will be announced by the High Commissioner during ExCom. UNHCR was questioned if it was in violation of its mandate regarding North Koreans and failures to provide asylum and effective protection in China. The Moderator made the point that UNHCR was in a difficult situation but this was not out of its own making. There is no point in making sweeping statements about UNHCR’s mandate when it is clearly seen that recent actions by the Bureau and DIP (e.g. Bangladesh and Malaysia) have contributed to discontinue refoulement. More often than not UNHCR lives up to its mandated responsibilities and sets in motion demarches to ensure that States respect their responsibilities under international law.

**Conclusion(s):**

Some headway has been made in a number of protracted situations. If no progress has been made *per se*, at least UNHCR has a plan in place to move forward. UNHCR is adopting a stronger position on Bhutan and a new approach has been adopted whereby UNHCR is redoubling its efforts to put pressure on both governments and insist on the right to return. UNHCR will not wait for another 10 years to find a permanent solution to refugees' problems and is promoting a more aggressive approach to finding solutions. In other situations UNHCR has been able to stop undue pressure placed on refugees to repatriate. If no solution is in sight for Rohingya refugees in Bangladesh, at least UNHCR has stepped up its protection presence in the camps. In Malaysia UNHCR has been able to stop *refoulement* (albeit temporarily) through a high level visit from the Director of the Department of International Protection and the Director of the Asia Bureau.

With regard to the issue of access to asylum however, the picture is rather bleak and difficulties seem to be almost insurmountable in at parts of the region. UNHCR still does not have access to North Korean asylum seekers in China. In Australia the practice of intercepting and detaining refugees still continues. It was proposed that in some situations UNHCR and NGOs should team up and identify common advocacy themes.

Overall, the discussion was lively and interesting with almost 100% of the time devoted to questions and answers. The openness and transparency displayed by the Director of the Asia Bureau was highly appreciated.

<i>Rating/Session</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 & the Pacific			3	7			5	5		1	3	6
33 participants												

**18. Central Asia, South West Asia, North Africa & the Middle East Bureau**

**Moderator:** Nazanin Kazemi, International Consortium for Refugees in Iran

**Speaker(s):** Ekber Menemencioglu, Director, UNHCR *joined by:*

Amin Awad, Coordinator (Iraq), UNHCR

Peter de Clercq, Head of Desk (Afghanistan), UNHCR

Cesar Dubon, Head of Desk (Central & South West Asia), UNHCR

Salif Kagni, Head of Desk (North Africa), UNHCR

Shaden Khallaf, Executive Assistant, Office of the Director, UNHCR

Monique Malha, Senior Legal Advisor, UNHCR

Christine Mougne, Head of Desk (Middle East), UNHCR

Radhouane Nouicer, Deputy Director, UNHCR

**Objective(s):**

Discuss the role of UNHCR and NGOs as humanitarian agencies in deteriorating security environments and external perceptions affecting burden-sharing.

**Intervention(s):**

Successes comprise the return of 2 million people to Afghanistan in 2002 and a further 500,000 in 2003. Setbacks were the deteriorating security conditions, including the bombing of UN headquarters in Baghdad on 19 August, the deaths of staff in other attacks on agencies such as the ICRC, IOM, and DACAAR, and other incidents have shattered the notion of the invincibility of humanitarian workers. National security is becoming a priority resulting in a reluctance to accept asylum. The precarious security situation is also restricting the ability of the UN and of other partners to implement their mandates. Resettlement has become restricted. States are dumping their responsibility and refugees are finding themselves in 'no man's land' and 'waste lands'. Advocacy is needed to make laws, institutions, and attitudes more conducive to humanitarian action across the region.



**Discussion:**

Burden-sharing is seen as empty rhetoric. Refugees from some of the CASWANAME countries are being profiled by Western countries. UNHCR is under enormous pressure and asylum is threatened as a result. Some NGOs from the region expressed the need for clarity regarding their positions vis-à-vis the UN due to increasing sensitivity in some quarters to their affiliation. Perceptions of non-neutrality must be carefully addressed by all parties in order to effectively continue the search for durable solutions for the caseloads of Afghans and Iraqis and other groups. Confidence-building measures are necessary to facilitate both the processes of return and reintegration, which should be carried out within the framework of reinstated national institutions and overall development.

**Conclusion(s):**

The session leaves us with many questions on how to remedy the perceptions. There is a need for smaller round-table discussions to move the perceptions beyond grief. There are difficulties related to implementing burden sharing in places like Iran.

<i>Rating/Session</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1 v. poor – 4 v. good												
CASWANAME		3	3	10		2	6	8		2	3	11
34 participants												

**19. Americas Bureau**

**Moderator:** Marit Sørheim, Norwegian Refugee Council

**Speaker(s):** Hope Hanlan, Director, UNHCR *joined by:*

Marta Juarez, Senior Resource Manager, UNHCR

Manuel Jordao, Senior Protection Officer, UNHCR

Jozef Merckx, Senior Desk Officer, Desk II, UNHCR

Davide Torzilli, Executive Assistant to the Director, UNHCR

Luis Varese, Senior Desk Officer, Desk I, UNHCR

Gonzalo Vargas-Llosa, Representative, UNHCR Office in Panama

Sabine Wahning, Desk Officer, Desk II, UNHCR

Peter Wijninga, Senior Desk Officer, North America & Caribbean Unit, UNHCR

**Objective(s):**

Discuss proposals on how UNHCR can ensure access to international protection given the current security concerns of states.

**Intervention(s):**

Concern was expressed over the fact that many states have introduced new legislation making access to international protection more restricted, while at the same time stating that it is important that UNHCR convinces States they are naïve when it comes to State security issues. The Director identified the following ‘security filters’ that have been introduced by States, which make it more difficult to access protection: border control procedures, more restrictive visa regimes, increasingly restrictive interpretations of existing regulations, mandatory detention, deportation, no admission of certain nationalities/categories of asylum seekers, interception, reversal of earlier refugee status determination (RSD) decisions, provision of only temporary protection, focus on the return of IDPs without ensuring safety, ineffective registration, and the reduction of social rights. Proposals comprise focusing on concrete things that field staff can do, such as moving refugees away from border areas, thus removing the risk of confusion with armed actors. Focus on the protection of women and children through a protective network in co-operation with other UN agencies. Aim to decrease the time for RSD. UNHCR should reinforce its advocacy role and train the military and border officials. Provide resettlement opportunities and income generation. UNHCR should inform States about Article 1 and its application (Cessation clause).

**Discussion:**

Concern was expressed on the issue of refugees' obligations regarding constraints on political activity in some situations. There was general agreement that UNHCR must reinforce its advocacy role and confront governments when they are not complying with international standards for protection. Although positive to the proposals, NGOs challenged UNHCR on the issues of detention, interception, the increasing use of bilateral agreements, and further development of alliances with NGOs on protection. UNHCR underlined its preoccupation over these developments and the importance of creating protection networks with NGOs.

**Conclusion(s):**

There was general agreement that the proposals are useful and concrete. It was further proposed that:

- UNHCR must reinforce its advocacy efforts and take the lead in the protection of refugees in situations of, for example, forced return (Panama), the return of IDPs when security conditions are not satisfactory (Colombia), and mandatory detention (USA).
- It is necessary to introduce a more global approach to the issue of increased security concerns for states and the negative consequences for international protection. One suggestion might be to make a comparative analysis of different countries/regions to assess state-security measures and the consequences for access to international protection. On the basis of this analysis, identify possible solutions at a global level.
- Improved co-ordination with NGOs and other UN agencies is crucial, such as in Colombia.

<i>Rating/Session</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
1 v. poor – 4 v. good	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Americas	2		1	1	1	1	1	1	1	1	2	
20 participants												

**20. Europe Bureau**

**Moderator:** Clara Odofin, ECRE

**Speaker(s):** Raymond Hall, Director, UNHCR *joined by:*

Michael Menning, Head of Desk, South-Eastern Europe Operation, UNHCR

Robert Robinson, Deputy Director, UNHCR

**Objective(s):**

Discuss the implications of EU expansion and the challenges and opportunities it presents for a broader Europe.

**Intervention(s):**

Prominence of asylum on the national political agenda of EU States leads to 'restrictionism' with regard to national legislation and policies. It has also led to EU engagement with third countries presenting an opportunity to enhance asylum capacities in countries in regions of origin and transit. UNHCR is concerned also with the lack of EU states' will to renounce some of their sovereignty resulting in a downward spiral of standards. There is still a need to continue to build asylum capacities of accession states and civil society capacity, as well as ways to improve integration and general funding. With regard to new EU frontier States, there will be a key role for central European NGOs to twin with NGOs in neighbouring States and exchange good practice. UNHCR will focus on strengthening civil society. Overall, there is a need for a strong NGO voice, co-operation between UNHCR and NGOs and maximise impact and lobbying.

**Discussion:**

The UNHCR's EU prong is still on the agenda. UNHCR is insisting that processing (of manifestly unfounded cases, i.e. presumably moving for non refugee-related matters) should be done inside the EU. As EU harmonization is in progress, the EU prong would be a way to stimulate EU states

to actually work collectively on concrete proposals. However, the focus of the debate is now more on the regional prong.

There is a negative public perception of refugees and asylum seekers and therefore a need to exchange more and combined advocacy efforts. Need also to have a better consensus on return policy of properly rejected asylum seekers, to help distinguish genuine refugees from illegal migrants.

Decisions in asylum and migration will soon be taken at the qualified majority which may facilitate the adoption of initiatives and proposals. The current draft Treaty (as per Giscard d'Estaing's Convention on the future of Europe) is potentially positive on asylum, as it mentions (art 167) 'common refugee status' and 'common procedures' could set stage for a more positive next round of negotiations on harmonization.

It is difficult to generalize on readmission agreements. There is nothing wrong per se, it is a legitimate tool for providing a framework to send back people who do not have refugee problems. The problem is rather in the contents (or lack of); they should contain specific provisions/safeguards.

Resettlement opportunities have increased in the UK but it should not be a substitute to dealing with asylum claims. UNHCR is concerned about Dublin II as it is likely to function better than Dublin I (which concerned only 5% of asylum claims). If Dublin II works, it will transfer the majority of asylum seekers to the periphery of the EU. Burden will be shifted to bordering countries with a more fragile asylum system. Dublin II needs to be accompanied by burden sharing mechanisms.

EURODAC is the new system for comparison of fingerprints of asylum applicants and illegal immigrants for effective application of the Dublin Convention. Eurodac is not a fundamental problem for UNHCR. It could even have potential benefit as the number of asylum seekers will probably diminish, given the number of current multiple applications. This would help diminish the pressure in the internal political debate. It needs to be applied to all protection and human rights controls.

**Conclusion(s):**

It is important to exchange good practice on how to promote understanding of refugees to counter negative opinion and to foster broader NGO and UNHCR alliances. There is a continued need for UNHCR to advocate for safeguards in readmission agreements where they relate to third country nationals. UNHCR wants to see 'burden-sharing' accompanying the Dublin II Regulation replacing the Dublin Convention.

<i>Rating/Session</i>	<i>Presentation</i>				<i>Content</i>				<i>Usefulness</i>			
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1 v. poor – 4 v. good												
Europe			1	4			1	4			1	4
32 participants												

## Linkage to ExCom

### 21. Briefing to ExCom members on the proceedings of Pre-ExCom 2003

**Moderator:** Paula Lynch, Permanent Mission of the USA & Rapporteur for the ExCom Bureau  
**Rapporteur:** Elisabeth Rasmusson, Norwegian Refugee Council

Ms Lynch welcomed the ExCom members present and explained that the aim of this briefing was to link the last few days with next week's ExCom. She appraised the interesting content of the Pre-ExCom agenda and emphasised the importance of NGOs in UNHCR's work.

Ms Rasmusson provided a summary of Pre-ExCom to the ExCom members informing them that the 250 participants representing 160 NGOs from 65 countries shows the importance the NGO community gives to UNHCR's work. However, despite the large turnout, participation from Southern NGOs is still weak. She noted the clear UNHCR commitment towards strengthening the partnership with NGOs, also reflected by the great turn out of UNHCR staff who actively participated in the sessions. The improved format allowed more time for networking and side meetings and contributed to better interaction between UNHCR staff and NGOs. Most of the sessions were informative and lively, although some did not allow enough time for discussion. ICVA organised three drafting committees for the NGO statements to ExCom. The sessions covered a broad range of topics, which could be summarised around three main points:

- Protection, which was a common thread throughout Pre-ExCom, including human rights and UN mechanisms, Convention Plus and the High Commissioner's Forum, and IDPs.
- Partnership, whereby UNHCR recognises that more needs to be done to strengthen collaboration with NGOs.
- Security, which in today's international context, requires a change of a political nature and not just improved training and an increase in funding for security measures.

Interventions were made from two States. The USA assured its strong support to provide a humanitarian space for humanitarian workers to do their work and appealed to NGOs not to only focus on protecting themselves, which could risk collaboration with governments. Mexico expressed its support to greater participation of NGOs in human rights mechanisms and referred to Convention Plus as a good initiative in which NGOs can give their views. Interventions from NGOs recommended not making a difference between the period before and after 11 September 2001 and expressed concern about the lack of protection of women and children. Refugees are a resource to the development of a country and should be considered as such. Therefore, access to education should not stop at primary level, but continue to secondary school. Unfortunately, education falls between the cracks of relief and development and children finishing school at the age of 12 can fall victim to abuse and forced recruitment.

The Pre-ExCom Rapporteur formally briefed member states during ExCom on Thursday, 2 October. The NGOs made several formal statements to ExCom, which are annexed to this report.

<i>Rating/Session</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	1	2	3	4	1	2	3	4	1	2	3	4
Linkage to ExCom	1	1	8	19	1	2	12	14	2	3	10	14

## Guest Speaker

### 22. Dennis McNamara, Inspector General, UNHCR

The Pre-ExCom Rapporteur, Elisabeth Rasmusson, introduced Dennis McNamara, UNHCR's Inspector General. She welcomed him to Pre-ExCom and assured him that the NGOs looked forward to hearing his remarks.

Mr McNamara spoke, not as the Inspector General of UNHCR, but more personally as someone coming back to UNHCR after several years seconded to the UN and its peacekeeping operations, trying to grapple with some of the new challenges we now face in this harsh international environment. As humanitarian activists, almost by definition, we live in troubled times and places, but the past six weeks have been the worst times of our recent lives. He acknowledged that trying to make ‘sense’ out of the atrocity of 19 August in Baghdad, which took a terrible toll of some of the best humanitarians and people we have known, is probably a futile exercise, but a very natural human instinct nevertheless. What does emerge from such an upheaval is often a deep sense of questioning, both personal and professional, for which there are no clear answers, but must start to be addressed.

There has been much focus on UN reform, but less talk about the responsibility of States. There is a need for dialogue between political and humanitarian actors to respond to the challenges in an increasingly unreceptive and hostile environment. A key NGO role so that agencies can function effectively and fairly without undue risk is to pressure States to balance national, humanitarian interests and fulfil international commitments. Our best protection is always local understanding and backing.

Interventions from the NGOs recognised that the recent attacks are not a new phenomenon. Similar testimonies were made earlier by humanitarian workers in Africa and Asia. Often the UN is viewed, positively or negatively, through its activities (such as sanctions and the Food for Oil programme in Iraq). It is necessary, with the NGOs, to address the root causes in order to deal with security. A new humanitarian coalition should be formed that brings States into the discussion.

The full text of Dennis McNamara’s intervention is found at Annex IV.

## Plenary Session

### 23. A Conversation with Erika Feller, Director, Department of International Protection

Ed Schenkenberg welcomed Erika Feller, who was accompanied by the two Deputy Directors of DIP. Ms. Feller opened the session, underlining that the discussion should focus on giving more attention to strengthening the capacity to implement protection priorities and guidelines, as well as the role of NGOs as protection partners. Implementation rather than the development of new standards and guidelines is the main challenge. Promoting refugee protection within the management of mixed movements is another complex issue, one manifestation of which is the debate on the so-called UK proposal. Protracted refugee situations also require our reinvigorated efforts. The concept of Convention Plus has partly been developed as a methodology to promote further progress in identifying solutions for populations remaining in long-term displacement. UNHCR is committed to pursuing the goals and objectives of the Agenda for Protection, however, the Agenda is a roadmap not only for UNHCR; States and NGOs must also be fully engaged in ensuring its implementation.

NGOs are partners in refugee protection. Their role is obvious in promotion and advocacy. As implementing partners, NGOs are also implementing “protection” broadly defined (e.g. prevention and response to SGBV, meeting the needs of women and children etc.). In order to strengthen this partnership, key elements include development of the *capacity and expertise* needed to undertake protection activities and the importance of ensuring *complementarity and coordinated actions*. Recalling UNHCR’s Convention-based protection mandate, it is important to acknowledge that some aspects of protection must remain the preserve of UNHCR as the responsible and accountable agency, such as determining who is a refugee. On the other hand, at times NGOs can complement the interventions of UNHCR by saying things that the organisation cannot. Ms. Feller

suggested that a retreat be organised with participation from UNHCR and NGOs to take stock of where we are in the development of protection partnerships, and to better define and develop models for cooperation among the various actors involved in the protection of refugees. Several participants welcomed the suggestion of a retreat on cooperation in operational protection.

In response to questions on the plight of **refugees from Bhutan**, Ms Feller conveyed the High Commissioner's concern about protracted situations in general, emphasising that people should not be kept indefinitely in camp situations which may breed abuse and degradation and that therefore new approaches and initiatives may be necessary. UNHCR is reviewing its programme to focus more clearly on durable solutions for the whole refugee population in Nepal. Much will probably also depend on the ongoing verification process and on how many can return to Bhutan. One NGO encouraged UNHCR to involve NGOs in the strategic planning process for durable solutions and suggested that this issue be addressed at the planned retreat.

Questions were raised on the **Global Migration Commission** initiative. With regard to the migration debate, Ms Feller informed that UNHCR would seek to ensure that a humanitarian and human rights perspective is integrated through the Geneva Migration Group.

On UNHCR's **follow-up to reports** submitted by NGOs on protection-related cases, Ms. Feller acknowledged that there are cases of insufficient follow-up. She mentioned the Reach Out training as one way to ensure that UNHCR offices act on NGO information. This is one of many issues addressed in a series of Protection Management Workshops currently undertaken in the field.

In response to a question on **education**, Ms. Feller agreed that it is an important protection tool, as recognised in the Agenda for Protection. Access to education is often hampered by lack of available resources.

With regard to **protection standards and accountability**, UNHCR has developed its own indicators that go beyond a checklist of activities. Protection accountability workshops have taken place with staff in the field, highlighting the implications of negligent performance. Protection cannot be done by remote control and UNHCR endeavours to fill gaps by pursuing appropriate staffing levels in the field, continuing to develop flexible deployment schemes, as well as through working closely with NGOs and other relevant institutions worldwide. UNHCR has established a Code of Conduct to help eliminate sexual exploitation and other abuses.

In response to a question on **illegal detention practices**, Ms. Feller described UNHCR's strategy of diplomatic and public interventions. UNHCR is working with human rights bodies in order to establish and promote guidelines on detention. There is potential for a stronger partnership among UN agencies and NGOs on this issue. Private sector opinion makers are also important because they can influence the public debate. Initiating court cases against detention of asylum-seekers can be very effective for preventing illegal practices.

<i>Rating/Session</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												
A conversation with Erika Feller		1	4	9			15	14			16	13

## **24. Closing address by Anne Willem Bijleveld, Director, Division of Communication & Information**

Mr Bijleveld expressed the High Commissioner's regrets that he was unable to attend.

Pre-ExCom sums up in many ways the overall aims of the Division of Communication & Information: to promote communication and sharing of information. The last two days have provided all participants - NGO and UNHCR, other UN agencies and some ExCom members - with a unique opportunity to interact and to share views and ideas. He was pleased to see such a large turnout of NGOs, but also of UNHCR staff. The contact and interaction has been lively, informative, and thought-provoking and very much appreciated by the UNHCR staff who participated.

Important issues have been raised over the last two days. Though the Pre-ExCom programme had a strong protection focus, the issues of partnership and security also emerged as cross-cutting themes. The programme was ambitious, with 12 round-table sessions and five regional sessions with the Bureaux squeezed into less than two days, not to mention the many informal contacts. Recognising that there was not enough time to adequately explore all issues, he called for ideas and suggestions on how to improve this. A good sign is that a growing number of ExCom members have noted that the Pre-ExCom is far more interesting than the ExCom.

On the issue of partnership, the High Commissioner's recent policy directive acknowledged that UNHCR simply can not do it alone. This requires a shift in thinking and approach if we are to better meet the needs of refugees, and needs-based budgeting will be effective through an integrated approach. Strengthened partnerships also extend to protection. These initiatives are a work-in-progress to be brought about together in the months ahead.

On security, the tragic events of the last year in so many different parts of the world have shaken everyone. The last several days have provided a chance to reflect on not just the implications for refugee and staff security, but also to reflect on the very principles and values of humanitarian work. It is appropriate to note – as the Assistant High Commissioner already did - our solidarity with Arjan Erkel of MSF, abducted in Daghestan in August last year. We should not let go of the hope for a quick, safe return of Arjan to his family and loved ones.

The linkage with ExCom is more important than ever. NGOs are encouraged to remain engaged in this process, noting that NGO contributions to the ExCom proceedings are valued by UNHCR and many ExCom members for their often powerful insights into issues. NGOs can make a contribution to UNHCR's governance and are encouraged to remain engaged.

## **Annexes**

- I. Programme of Pre-ExCom Consultations with Non-Governmental Organisations**
- II. List of Participants by Organisation**
- III. Opening Statement by the Assistant High Commissioner**
- IV. Statement by Guest Speaker, Dennis McNamara**
- V. Summary of Participants' Evaluation of Pre-ExCom**
- VI. Meeting in the margins of Pre-ExCom and ExCom**
- VII. Pre-ExCom Report to ExCom**
- VIII. 54<sup>th</sup> Session of ExCom – Statement of NGOs to the General Debate**
- IX. 54<sup>th</sup> Session of ExCom – Statement of NGOs on International Protection**
- X. 54<sup>th</sup> Session of ExCom – Statement of NGOs on Programme, Administrative, and Financial Matters**
- XI. 54<sup>th</sup> Session of ExCom – Statement of NGOs on Oversight Activities**



**Annex I**

**Pre-ExCom Consultations with Non-Governmental Organisations**  
**24 – 26 September 2003**  
**Palais des Nations, Geneva, Switzerland**

Wednesday, 24 September 2003

**15h00 – 15h40 Plenary Session** (interpretation English-French-Spanish)

**Room XX** *Welcome from*

Craig Sanders, Coordinator, NGO Liaison Unit, UNHCR  
Ed Schenkenberg, Coordinator, International Council of Voluntary Agencies

**15h40 – 16h20 Plenary Session** (interpretation English-French-Spanish)

**Room XX** *Opening Address by*

Kamel Morjane, Assistant High Commissioner for Refugees

**16h30 – 18h00 Round-Table Sessions** (interpretation English-French-Spanish)

**Room XX** *Operationalising Partnership: A field perspective*

This session will examine UNHCR's shift in approach in the name of partnership – joint planning and assessment, fundraising, trends on partnership, and tools.

Moderator: Manisha Thomas, International Council of Voluntary Agencies

Speaker(s): Marjon Kamara, Division of Operational Support, UNHCR  
Harrison Kuboka, African Development & Emergency Organisation  
Tatjana Milovanovic, Itineris  
Ayubu Sizya, United Nations Volunteers  
Karl Steinacker, Head of UNHCR Sub-Office Kenema, Sierra Leone

**Room XXI** *Registration as a key protection tool: New standards and procedures*

Registration is a key tool in refugee protection and this session will provide highlights on the development of new tool for registration under the Project Profile.

Moderator: Dale Buscher, International Catholic Migration Commission

Speaker(s): Sharon Cooper, Protection Policy & Legal Advice Section, UNHCR  
Andrew Hopkins, Population Data Unit, UNHCR  
Dona Tarpey, Population Data Unit, UNHCR

**Room XXIV** *Convention Plus and the High Commissioner's Forum: An opportunity to improve refugee protection?*

This session will provide an update of the Convention Plus initiative, including achievements to date, plans for the future and the role of NGOs.

Moderator: Joseph Aguetant, International Rescue Committee

Speaker(s): Jean-François Durieux, Convention Plus Unit, UNHCR  
Margaret Piper, Refugee Council of Australia  
José Riera, Department of International Protection, UNHCR

**Room XXV** *Evaluations on Women, Children and Community Services: Next Steps*

This session will look at methodologies to improve the participation of beneficiaries and ensure a cross-sectoral, inter-agency approach to community development.

Moderator: Christine Bloch, Jesuit Refugee Service

Speaker(s): Larry Bottinick, Protection Operations Support Section, UNHCR  
Daisy Dell, Division of Operational Support, UNHCR  
Hans Lind, Save the Children  
Mamadou Ndiaye, OFADEC  
Leslie Norton, Permanent Mission of Canada

**18h00 Reception – Restaurant des Délégués, 8<sup>th</sup> Floor**

Thursday, 25 September 2003

**10h00 – 11h20 Round-Table Sessions** (interpretation English-French-Spanish)

**Room XX** *Human rights and the protection of refugees*

This session analyses the interlinkages between human rights and refugee protection, particularly the use of international and regional human rights instruments to improve the protection of refugees, and explores cooperation with different actors within the UN human rights machinery. It seeks to exchange experiences and strategies for the use of human rights in refugee protection.

Moderator: Henk van Goethem, Reach Out

Speaker(s): Christoph Bierwirth, Protection Policy & Legal Advice Section, UNHCR  
Christine Bloch, Jesuit Refugee Service  
Kate Fox, United Nations High Commissioner for Human Rights

**Room XXI** *Refugee camp security and the civilian character of asylum*

This session will focus on practical follow-up to last year's ExCom Conclusion No. 94 on camp management, refugee security – maintaining the civilian character of asylum.

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

Speaker(s): Sharon Cooper, Protection Policy & Legal Advice Section, UNHCR  
Bruno Geddo, Regional Bureau for Africa, UNHCR  
Iain Hall, Emergency & Security Service, UNHCR

**Room XXIV** *IDPs: Working towards a collaborative approach?*

UNHCR's role in meeting the protection and assistance needs of IDPs within the context of the collaborative UN approach.

Moderator: Andreas Danevad, Norwegian Refugee Council

Speaker(s): Guillermo Bettocchi, IDP Unit  
Neville Pradhan, Lutheran World Federation  
Rick Towle, Department of International Protection, UNHCR

**Room XXV** *Durable Solutions: Livelihood and self-reliance for refugees*

As part of the recently issued Framework for Durable Solutions, this session will look at the key issues and challenges for UNHCR and other actors in promoting livelihood and self-reliance of refugees.

Moderator: Myriam Houtart, Reintegration & Local Settlement Section, UNHCR

Speaker(s): Jock Baker, CARE USA  
Jeff Crisp, Evaluation & Policy Analysis Unit, UNHCR  
Sheila Grudem, World Food Programme  
Niels Harild, Reintegration & Local Settlement Section, UNHCR

**11h30 – 13h00 Round-Table Sessions** (interpretation English-French-Spanish)

**Room XX** *Better refugee protection world-wide, including in regions of origin*

Set out, discuss and seek input on UNHCR's thinking and strategy in this regard, stemming not least from the Agenda for Protection, the Global Consultations process and the UNHCR three-pronged proposal.

Moderator: Rachel Brett, Quaker United Nations Office

Speaker(s): Christopher Hein, Italian Council for Refugees  
Volker Turk, Department of International Protection, UNHCR

**Room XXI** *Education: Providing protection and skills for rebuilding communities*

Raise awareness on education in emergencies as a lifesaving, protective and essential element of humanitarian response and discuss the minimum standards as a tool to strengthen educational quality and access, and humanitarian accountability in refugee situations.

Moderator: Nan Buzard, Sphere Project

Speaker(s): Allison Anderson Pillsbury, International Rescue Committee  
Pamela Baxter, Health & Community Development Section, UNHCR  
Beverley Roberts, Inter-Agency Network on Education in Emergencies  
Nemia Temporal, Health & Community Development Section, UNHCR

**Room XXIV** *Beyond Codes of Conduct: Developing complaints and investigation mechanisms*  
In response to reports of abuse and exploitation by humanitarian workers, many agencies developed Codes of Conduct. Moving beyond this first step to provide real opportunities for beneficiaries and staff to report concerns safely, and to build the capacity of organisations to investigate allegations, is challenging, time consuming and absolutely essential. The session offers information about tools that have recently been developed to support these processes, and some insights into the challenges that remain.

Moderator: Jane Warburton, International Rescue Committee  
Speaker(s): Vincent Cochetel, Inspector General's Office, UNHCR  
Heather MacLeod, World Vision International

**Room XXV** *NGO sustainability within a changing funding environment*  
Beginning with global highlights of some of UNHCR's support to NGOs, the session will then focus on Central Europe and future EU accession states, examining issues of national NGO capacities and the challenges of sustainability in the changing funding environment.

Moderator: Vesna Vukovic, Regional Unit in Budapest, UNHCR  
Speaker(s): Christine Cartland, ECRE  
András Kováts, Menedek – Hungarian Association for Migrants  
Craig Sanders, NGO Liaison Unit, UNHCR

**15h00 – 16h20 Regional Sessions**

**Room XXI** *Africa Bureau*  
(interpretation Arabic-English-French-Spanish)  
Protecting refugees in Africa: Identify the main protection challenges and discuss how NGOs and UNHCR can work together to enhance refugee protection in its broadest sense.

Moderator: Mamadou Ndiaye, OFADEC  
Speaker(s): David Lambo, Director, UNHCR *joined by:*  
  
Ebrima Camara, Deputy Director, UNHCR  
Bruno Geddo, Senior Legal Advisor, UNHCR  
Ngonlardje Mbaidjol, Division of International Protection, UNHCR

**Room XXIV** *Asia-Pacific Bureau*  
(interpretation English-French-Spanish)  
Review of operations in the Asia-Pacific region with emphasis on asylum challenges and protracted situations.

Moderator: Joseph Aguetant, International Rescue Committee  
Speaker(s): Jean-Marie Fakhouri, Director, UNHCR *joined by:*  
  
Catherine Huck, Head of Desk I, UNHCR  
Hiro Mori, Head of Desk II, UNHCR

**16h30 – 18h00 Regional Sessions**

**Room XXI** *Central Asia, South West Asia, North Africa & the Middle East Bureau*  
(interpretation Arabic-English-French-Spanish)  
Deteriorating security and inadequate burden sharing – the greatest challenges facing UNHCR in the region.

Moderator: Nazanin Kazemi, International Consortium for Refugees in Iran  
Speaker(s): Ekber Menemencioglu, Director, UNHCR *joined by:*  
  
Amin Awad, Coordinator (Iraq), UNHCR  
Peter de Clercq, Head of Desk (Afghanistan), UNHCR  
Cesar Dubon, Head of Desk (Central & South West Asia), UNHCR  
Salif Kagni, Head of Desk (North Africa), UNHCR  
Shaden Khallaf, Executive Assistant, Office of the Director, UNHCR  
Monique Malha, Senior Legal Advisor, UNHCR

Christine Mougne, Head of Desk (Middle East), UNHCR  
Radhouane Nouicer, Deputy Director, UNHCR

**Room XXIV Americas Bureau**

(interpretation English-French-Spanish)

*Is providing Protection a distant dream amidst the Security concerns of States?* A discussion of the current situation and examples that show how security concerns prevail, at least in some instances, from protection of persons in need. The session aims at sharing concerns but also invites the participants to suggest ways in which we can advocate effectively for protection but also be mindful of concerns of hosting countries.

Moderator: Marit Sørheim, Norwegian Refugee Council

Speaker(s): Hope Hanlan, Director, UNHCR *joined by:*

Marta Juarez, Senior Resource Manager, UNHCR  
Manuel Jordao, Senior Protection Officer, UNHCR  
Jozef Merkx, Senior Desk Officer, Desk II, UNHCR  
Davide Torzilli, Executive Assistant to the Director, UNHCR  
Luis Varese, Senior Desk Officer, Desk I, UNHCR  
Gonzalo Vargas-Llosa, Representative, UNHCR Office in Panama  
Sabine Wahning, Desk Officer, Desk II, UNHCR  
Peter Wijninga, Senior Desk Officer, North America & Caribbean Unit, UNHCR

**Room XXV Europe Bureau**

(interpretation English-French-Russian-Spanish)

The session will discuss the implications of EU expansion and the challenges and opportunities it presents for a broader Europe.

Moderator: Clara Odofin, ECRE

Speaker(s): Raymond Hall, Director, UNHCR *joined by:*

Michael Menning, Head of Desk, South-Eastern Europe Operation, UNHCR  
Robert Robinson, Deputy Director, UNHCR

## Friday, 26 September 2003

**09h30 – 10h15 Plenary Session** (interpretation English-French-Spanish)

**Room XX Linkage to ExCom**

Briefing to ExCom members on the proceedings of Pre-ExCom 2003

Moderator: Paula Lynch, Permanent Mission of the USA, Rapporteur for the ExCom Bureau

Rapporteur: Elisabeth Rasmusson, Norwegian Refugee Council

**10h15 – 11h00 Plenary Session** (interpretation English-French-Spanish)

**Room XX Guest Speaker**

Dennis McNamara, Inspector General, UNHCR

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

**Room XX A Conversation with**

Erika Feller, Director, Department of International Protection, UNHCR

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

**Room XX Closing Address by**

Anne Willem Bijleveld, Director, Division of Communication & Information, UNHCR

## Annex II

## List of Participants by Organisation

***ADEO (African Development & Emergency Organisation)***

Dr Harrison KUBOKA  
Program Manager  
Freetown, Sierra Leone  
adeo@wananchi.com

***Afghan NGOs Coordination Bureau (ANCB)***

Mr Sayed Fazlullah WAHIDI  
Chairman  
Kabul, Afghanistan  
chairman@ancb.org  
www.ancb.org

***Africa Humanitarian Action (AHA)***

Mr Tafesse BELETE  
Representative  
Geneva, Switzerland  
tbelete@vtx.ch  
www.aha-africa.org

***Africa Humanitarian Action (AHA)***

Ms Askale BINEGA  
Country Representative  
Bujumbura, Burundi  
aha@cbinf.com

***Africa Humanitarian Action (AHA)***

Mr Dawit ZAWDE  
President  
Addis Abeba, Ethiopia  
aha@telecom.net.et  
www.aha-africa.org

***African Concern International***

Mr Cecil KPENOU  
Colombes, France  
ckpenou@hotmail.com

***African Concern International***

Mr Edwin Mubanba NKAMBA  
Country Director  
Freetown, Sierra Leone  
afconcl@yahoo.com

***Air Serv International***

Mr Stuart WILLCUTS  
President / CEO  
Warrenton, USA  
swillcuts@airserv.org  
www.airserv.org

***Al-Eslah Society***

Mr Kalid Mohammed AL-QATTAN  
Director & Treasurer  
Moharaq, Bahrain  
hwf@aleslah.org

www.aleslah.org

***All Africa Conference of Churches (AACC)***

Ms Vivi AKAKPO  
Co-ordinator of Uprooted Programme  
Lome, Togo  
cetatogo@netcom.tg  
www.aacc-ceta.org

***Amnesty International***

Ms Daphne BOUTEILLET-PAQUET  
JHA Executive Officer  
Bruxelles, Belgium  
dbouteillet@aieu.be  
www.amnesty-eu.org

***Amnesty International***

Mr Sherif ELSAYED-ALI  
Refugee Officer  
London, United Kingdom  
selsayed@amnesty.org  
www.amnesty.org

***Amnesty International***

Ms Pia OBEROI  
Refugee Officer  
Geneva, Switzerland  
poberoi@amnesty.org  
www.amnesty.org

***Amnesty International***

Mr Lars OLSSON  
Refugee Officer  
London, United Kingdom  
lolsson@amnesty.org  
www.amnesty.org

***Anglican Mission Development Ministries***

Mr S. Tilewa JOHNSON  
Banjul, Gambia  
anglican@qanet.gm  
www.gambiadiocese.com

***ARCA, Romanian Forum for Refugees & Migrants***

Mr Cristian LAZAR  
Acting President  
Bucharest, Romania  
cristi@arca.surf.ro  
www.arca.surf.ro

***Asia Pacific Forum on Women Law and Development (APWLD)***

Ms Linda BARTOLOMEI  
Chaingmai, Thailand  
apwld@apwld.org

www.apwld.org

**Asia Pacific Forum on Women Law and Development (APWLD)**

Ms Eleftheria KRITIKOS  
Chaingmai, Thailand  
apwld@apwld.org  
www.apwld.org

**Asian Women Human Rights Council**

Ms Kerry BLACKWELL  
Forestville, Australia  
tuckway@bigpond.net.au  
www.lolasonline.org/awhrc.htm

**Asian Women Human Rights Council**

Ms Diana GOLDRICK  
Forestville, Australia  
tuckway@bigpond.net.au  
www.lolasonline.org/awhrc.htm

**Asian Women Human Rights Council**

Ms Helen Lucy MOSS  
Forestville, Australia  
tuckway@bigpond.net.au  
www.lolasonline.org/awhrc.htm

**Asian Women Human Rights Council**

Ms Juliana NKRUMAH  
Forestville, Australia  
tuckway@bigpond.net.au  
www.lolasonline.org/awhrc.htm

**Asian Women Human Rights Council**

Ms Eileen PITTAWAY  
Director, Centre for Refugee Research  
Forestville, Australia  
tuckway@bigpond.net.au  
www.lolasonline.org/awhrc.htm

**Asian Women Human Rights Council**

Ms Jessica ROSSELL  
Forestville, Australia  
tuckway@bigpond.net.au  
www.lolasonline.org/awhrc.htm

**Asian Women Human Rights Council**

Ms Olivia WELLESLEY-COLE  
Forestville, Australia  
tuckway@bigpond.net.au  
www.lolasonline.org/awhrc.htm

**Association de Soutien a l'Autopromotion Sanitaire et Urbaine (ASAPSU)**

Ms Celestine NAVIGUE  
Coordinator  
Abidjan, Ivory Coast  
naviguem@yahoo.fr

**Association of Refugees & Displaced Persons of B & H (ARDPBH)**

Ms Nurdina BRKIC  
Assistant  
Sarajevo, Bosnia & Herzegovina

sirl@bih.net.ba  
www.sirl.cjb.net

**Association of Refugees & Displaced Persons of B & H (ARDPBH)**

Ms Jelka SCHILT  
Representative to UN Geneva  
Sarajevo, Bosnia & Herzegovina  
sirl@bih.net.ba  
www.sirl.cjb.net

**Austcare**

Mr Michael G. SMITH  
Chief Executive Officer  
Camperdown, Australia  
msmith@austcare.org.au  
www.austcare.org.au

**Australian Council for Overseas Aid (ACFOA)**

Mr Michael G. SMITH  
Chief Executive Officer  
Canberra, Australia  
main@acfoa.asn.au  
www.acfoa.asn.au

**Belarusian Red Cross**

Mr Anton RAMANOUSKI  
President  
Minsk, Belarus Republic  
brc@home.by  
www.ifrc.org/address/by.asp

**BO / Pujehun Development Associates**

Mr Sahr Kobio FOYOH  
General Manager  
Freetown, Sierra Leone

**Botswana Christian Council**

Mr David Joshua MODIEGA  
General Secretary  
Gaborone, Botswana  
djmodiega@botsnet.bw

**British Refugee Council (BRC)**

Ms Gemma JUMA  
International Protection Policy Officer  
London, United Kingdom  
gemma.juma@refugeecouncil.org.uk  
www.refugeecouncil.org.uk

**British Refugee Council (BRC)**

Mr Richard WILLIAMS  
Manager International Protection Project  
London, United Kingdom  
richard.williams@refugeecouncil.org.uk  
www.refugeecouncil.org.uk

**Canadian Council for Refugees (CCR)**

Mr Andrew BROUWER  
Executive Committee Member  
Montreal, Canada  
ccr@web.ca  
www.web.net/~cct/

**Canadian Council for Refugees (CCR)**

Mr Francisco RICO-MARTINEZ  
Past President  
Montreal, Canada  
ccr@web.ca  
www.web.net/~ccr/

**Canadian Council of Churches**

Mr Dennis HOWLETT  
Team Leader, Canadian Justice Program  
Toronto, Canada  
dhowlett@kairoscanada.org  
www.kairoscanada.org

**Canadian Lutheran World Relief**

Mr Fikre M. TSEHAI  
Refugee Program Director  
Burnaby, Canada  
clwr@axion.net  
www.clwr.org

**CARE International**

Mr Guillaume AGUETTANT  
Representative  
Geneva, Switzerland  
guillaume.aguettant@care-international.org  
www.care-international.org

**CARE USA**

Mr Jock BAKER  
Senior Adviser  
Atlanta, USA  
jbaker@care.org  
www.care.org

**Caritas Centrafrique**

Ms Marie-Claire Anne Geraldine MELOT  
Responsable Projet Caritas Mbaiki  
Bangui, Central African Republic  
caricentre@yahoo.fr

**Caritas Sweden**

Mr George JOSEPH  
Head of Migration Department  
Stockholm, Sweden  
gjoseph@caritas.se  
www.caritas.se

**Caritas Venezuela**

Ms Janeth MARQUEZ  
Executive Director  
Caracas, Venezuela  
direccion@caritas.org.ve  
www.caritas.org.ve

**Caribbean Conference of Churches**

Mr Samuel MASON  
Coordinator, Sustainable Regional Development  
Programme  
Port of Spain, Trinidad & Tobago  
ccchq@tstt.net.tt  
www.caribliffe.com/pub/ccc

**Catholic Office for Emergency Relief & Refugees (COERR)**

Mr Juventino MENDOZA

Programme Director  
Bangkok, Thailand  
bmendoza@fastmail.fm

**Catholic Relief Services (CRS)**

Ms Nazare ALBUQUERQUE  
Strategic Issues Adviser for Emergencies &  
Conflict  
Baltimore, USA  
nalbuque@catholicrelief.org  
www.catholicrelief.org

**Centre for Social Policy Initiatives**

Ms Daska DUGOSEVIC  
Program Co-ordinator  
Zagreb, Croatia  
cisp@zg.hinet.hr  
www.uisp.hr

**Centre for Social Policy Initiatives**

Ms Aleksandra SELAK ZIVKOVIC  
President  
Zagreb, Croatia  
cisp@zg.hinet.hr  
www.uisp.hr

**Church World Service, Immigration and Refugee Program**

Mr Erol KEKIC  
Associate Director  
New York, USA  
ekekic@churchworldservice.org  
www.churchworldservice.org

**Concern Worldwide**

Ms Antonia POTTER  
Geneva Liaison Officer  
Dublin, Ireland  
ap@antoniapotter.com  
www.concern.ie

**Consejo de Iglesias Pro Alianza Denominacional (CEPAD)**

Ms Rosa Blanca FONSECA SUARES  
Licenciada en Ciencias Juridica y Sociales  
Managua, Nicaragua  
blanca.acnur@cepad.org.ni  
www.cepad.org.ni

**Consejo Latinoamericano de Iglesias**

Mr Milton MEJIA  
Barranquilla, Colombia  
mmejia@ipcol.org  
www.ipcol.org

**CORD Christian Outreach Relief and Development**

Ms Jane TRAVIS  
Programme Officer Relief  
Leamington Spa, United Kingdom  
jtravis@cord.org.uk  
www.cord.org.uk

**Danish Refugee Council (DRC)**

Ms Anette CHRISTOFFERSEN

Head of Section  
Copenhagen, Denmark  
anette.christofferse@drc.dk  
www.drc.dk

***Danish Refugee Council (DRC)***

Mr Andreas KAMM  
Secretary General  
Copenhagen, Denmark  
andreas.kamm@drc.dk  
www.drc.dk

***Direct Relief International***

Ms Andrea CAPACHIETTI  
Humanitarian Aid Consultant  
Tarzana, USA  
paranay@aol.com

***Direct Relief International***

Ms Susan FOWLER  
Director of Programs  
Santa Barbara, USA  
sfowler@directrelief.org  
www.directrelief.org

***Estonian Refugee Council***

Ms Grete KAJU  
Member of the Board  
Tallinn, Estonia  
estref@hotmail.com  
www.estref.org.ee

***European Council on Refugees & Exiles (ECRE)***

Mr Petrus Johannes BANEKE  
General Secretary  
London, United Kingdom  
pbaneke@ecre.org  
www.ecre.org

***European Council on Refugees & Exiles (ECRE)***

Ms Christine CARTLAND  
Central Europe Coordinator  
London, United Kingdom  
ccartland@ecre.org  
www.ecre.org

***European Council on Refugees & Exiles (ECRE)***

Ms Clara ODOFIN  
Head of Policy & Advocacy  
London, United Kingdom  
codofin@ecre.org  
www.ecre.org

***European Council on Refugees & Exiles (ECRE)***

Ms Maree PERFREMENT  
Policy Officer  
London, United Kingdom  
mperfrement@ecre.org  
www.ecre.org

***FASIC Fundacion de Ayuda Social de las Iglesias Cristianas***

Mr Juan Claudio SALAZAR FERNANDEZ  
Coordinator Migration Programme  
Santiago, Chile

migracion@fasic.org  
www.fasic.org

***Finnish Red Cross***

Ms Leena-Kaisa ABERG  
Head of Refugee Team  
Helsinki, Finland  
leena-kaisa.aberg@redcross.fi  
www.redcross.fi

***Finnish Refugee Advice Centre***

Ms Liisa MURTO  
Executive Director  
Helsinki, Finland  
liisa.murto@pakolaisneuvonta.fi  
www.pakolaisneuvonta.fi

***Finnish Refugee Advice Centre***

Ms Kristina STENMAN  
Senior Lawyer  
Helsinki, Finland  
kristina.stenman@pakolaisneuvonta.fi  
www.pakolaisneuvonta.fi

***Finnish Refugee Council***

Mr Kim REMITZ  
Secretary General  
Helsinki, Finland  
kim.remitz@finnref.org  
www.pakolaisapu.fi

***Forum des ONG Angolaises (FONGA)***

Mr Paulo Antonio NLANDU  
Chef du Departement d'appui aux ONG  
Luanda, Angola  
fonga@angonet.org

***Forum Refugies***

Mr Jean-Francois DUBOST  
Villeurbanne, France  
direction@forumrefugies.org  
www.forumrefugies.org

***Foundation of the Refugee Education Trust***

Ms Ann AVERY  
Education Task Team Coordinator  
Versoix-Geneva, Switzerland  
avery@r-e-t.com  
www.r-e-t.com

***Foundation of the Refugee Education Trust***

Mr Timothy BROWN  
Special Adviser  
Versoix-Geneva, Switzerland  
info@r-e-t.com  
www.refugeeeducationtrust.org

***Foundation of the Refugee Education Trust***

Mr Tom DELRUE  
Development Manager  
Versoix-Geneva, Switzerland  
delrue@r-e-t.com  
www.r-e-t.com

***Foundation of the Refugee Education Trust***



Mr Zeynep GUNDUZ  
Managing Director  
Versoix-Geneva, Switzerland  
gunduz@r-e-t.com  
www.r-e-t.com

***Friends World Committee For Consultation (Quakers)***

Ms Rachel BRETT  
Representative Human Rights & Refugees  
Geneva, Switzerland  
rbrett@quno.ch  
www.quno.org

***Friends World Committee For Consultation (Quakers)***

Ms Rachel TAYLOR  
Programme Assistant  
Geneva, Switzerland  
quno2@quno.ch  
www.quno.org

***Fund for the Integration of Refugees***

Mr Roman GATTERER  
Assistant Director  
Vienna, Austria  
gatterer@fif.at  
www.fif.at

***German Agro Action / Deutsche Welthunger Hilfe***

Ms Anna HUBER  
Program Assistant  
Bonn, Germany  
anna.huber@dwhh.de  
www.dwhh.de

***Global Health Foundation (GHF)***

Mr Fath Elrahman ELGADI  
NGO Consultant  
Karthoum, Sudan  
elgady99@hotmail.com

***Group 484***

Mr Miodrag SHRESTHA  
Policy Officer  
Belgrade, Serbia & Montenegro  
office@grupa484.org.yu  
www.grupa484.org.yu

***GTZ Rwanda***

Mr Ashenael HAILE  
Program Coordinator Emergency & Logistics  
Kigali, Rwanda  
gtztor@rwanda1.com

***Guardians***

Mr Faridoon AHADI  
Program Officer  
Quetta, Pakistan  
gds@ultra.net.pk

***Guardians***

Mr Hamayun Barah BADIZAI  
Director

Quetta, Pakistan  
gds@ultra.net.pk

***Handicap International***

Mr Marc SCHMIDLIN  
Responsable des programmes Section Suisse  
Geneva, Switzerland  
himarc@compuserve.com  
www.handicap-international.org

***Handicap International***

Mr Paul VERMEULEN  
Directeur Section Suisse  
Geneva, Switzerland  
paulhi@compuserve.com  
www.handicap-international.org

***Heartland Alliance***

Ms Mary Meg McCARTHY  
Director of Midwest Immigrant & Human  
Services Center  
Chicago, USA  
marymeg@tia-mirc.org  
www.heartlandalliance.org

***Hebrew Immigrant Aid Society (HIAS)***

Mr John-Martin WINTER  
Director HIAS Vienna  
Vienna, Austria  
winter@hias-vienna.at  
www.hias.org

***Human Rights Watch (HRW)***

Ms Loubna FREIH  
Director of Geneva Office  
Geneva, Switzerland  
freihi@hrw.org  
www.hrw.org

***Human Rights Watch (HRW)***

Mr Iain LEVINE  
Program Director  
New York, USA  
hrwnyc@hrw.org  
www.hrw.org

***Human Rights Watch (HRW)***

Ms Nisha VARIA  
Researcher, Women's Rights Division  
New York, USA  
varian@hrw.org  
www.hrw.org

***Humanitarian Accountability Partnership International (HAP)***

Ms Agnes CALLAMARD  
Geneva, Switzerland  
acallamard@hapgeneva.org  
www.hapgeneva.org

***Hungarian Helsinki Committee***

Ms Marta PARDAVI  
Programme Director  
Budapest, Hungary

helsinki@helsinki.hu  
www.helsinki.hu

***IDP Unit (OCHA)***

Mr Guillermo BETTOCCHI  
Senior IDP Advisor  
Geneva, Switzerland  
bettocchi@un.org

***Independent Humanitarian Services Association (IHSAN)***

Mr Raz Mohammad RAZ  
Director  
Kabul, Afghanistan  
admin@ancb.org

***Interaction***

Ms Mary PACK  
Director for Migration & Refugee Affairs  
Washington, USA  
mpack@interaction.org  
www.interaction.org

***Inter-Agency Network for Education in Emergencies***

Ms Beverly ROBERTS  
Coordinator  
Paris Cedex 07, France  
b.roberts@unesco.org  
www.ineesite.org

***International Association of Jewish Lawyers and Jurists (IAJLJ)***

Mr Daniel LACK  
Representative  
Geneva, Switzerland  
dlack@bluewin.ch

***International Catholic Child Bureau (ICCB)***

Ms Margaret MCCALLIN  
Child Rights Project  
Geneva, Switzerland  
margaret.mccallin@bice.org  
www.bice.org

***International Catholic Migration Commission (ICMC)***

Mr Dale BUSCHER  
Director of Operations  
Geneva, Switzerland  
buscher@icmc.net  
www.icmc.net

***International Catholic Migration Commission (ICMC)***

Ms Aileen CROWE  
Justice and Peace Promotor  
Homebush, Australia  
japp@erc.org.au

***International Catholic Migration Commission (ICMC)***

Ms Mariette GRANGE  
Advocacy Officer  
Geneva, Switzerland

grange@icmc.net  
www.icmc.net

***International Consortium for Refugees in Iran (ICRI)***

Ms Nazanin KAZEMI  
Representative  
Tehran, Iran  
kazeminazanin@hotmail.com  
www.icri-ir.com

***International Council of Jewish Women (ICJW)***

Ms Rachel BABECOFF  
Representative to the UN Geneva  
Montevideo, Uruguay  
icjw@montevideo.com.uy  
www.icjw.org

***International Council of Voluntary Agencies (ICVA)***

Mr Ed SCHENKENBERG  
Coordinator  
Geneva, Switzerland  
ed.schenkenberg@icva.ch  
www.icva.ch

***International Council of Voluntary Agencies (ICVA)***

Ms Manisha THOMAS  
Information Officer  
Geneva, Switzerland  
manisha@icva.ch  
www.icva.ch

***International Council on Social Welfare***

Ms Homayra ETEMADI  
Geneva, Switzerland

***International Federation of Red Cross & Red Crescent Societies (IFRC)***

Mr Zsolt DUDAS  
Desk Officer of Europe Department  
Geneva 19, Switzerland  
secretariat@ifrc.org  
www.ifrc.org

***International Federation of Red Cross & Red Crescent Societies (IFRC)***

Mr John HOREKENS  
Director, Division of External Relations  
Geneva, Switzerland  
horekens@ifrc.org  
www.ifrc.org

***International Federation of Red Cross & Red Crescent Societies (IFRC)***

Mr Christopher LAMB  
Head of Humanitarian Advocacy Department  
Geneva, Switzerland  
secretariat@ifrc.org  
www.ifrc.org

***International Federation of Red Cross & Red Crescent Societies (IFRC)***

Ms Joy MULLER  
International Representation Officer  
Geneva, Switzerland  
muller@ifrc.org  
www.ifrc.org

***International Federation of Red Cross & Red Crescent Societies (IFRC)***

Mr Robert THOMSON  
Senior Officer for Population Movements,  
Disaster  
Preparedness & Policy  
Geneva, Switzerland  
secretariat@ifrc.org  
www.ifrc.org

***International Federation of Red Cross & Red Crescent Societies (IFRC)***

Ms Eva ULFVEBRANDT  
Senior Policy Advisor  
Geneva, Switzerland  
secretariat@ifrc.org  
www.ifrc.org

***International Federation Terre des Hommes (IFTDH)***

Ms Valerie LAEDERACH  
Intern  
Geneva, Switzerland  
intl-rel@iftdh.org  
www.terredeshommes.org

***International Institute of Humanitarian Law (IIHL)***

Ms Silvy BOLLIGER  
Assistant  
Geneva, Switzerland  
geneve@iihl.org  
www.iihl.org

***International Institute of Humanitarian Law (IIHL)***

Mr Jovan PATRNOGIC  
President  
Geneva, Switzerland  
geneve@iihl.org  
www.iihl.org

***International Islamic Relief Organizations (IIRO)***

Ms Fawzia AL ASHMAWI  
Representative  
Geneva, Switzerland  
ashmawi7@hotmail.com

***International Islamic Youth League (IIYL)***

Mr Hamidu Ahamed KANNEH  
Regional Director  
Freetown, Sierra Leone  
iiylsl@yahoo.co.uk

***International Rescue Committee (IRC)***

Mr Joseph AGUETTANT  
Liaison Officer

Geneva, Switzerland  
josepha@theirc.org  
www.theirc.org

***International Rescue Committee (IRC)***

Ms Allison ANDERSON PILLSBURY  
INEE Forcal Point on Minimum Standards for  
Education in Emergencies  
New York, USA  
allison@theIRC.org  
www.ineesite.org

***International Rescue Committee (IRC)***

Ms Georgina GREEN  
Intern  
Geneva, Switzerland  
georginag@theirc.org  
www.theirc.org

***International Rescue Committee (IRC)***

Ms Margaret GREEN-RAUENHORST  
Director, Protection Unit  
New York, USA  
irc@theirc.org  
www.theirc.org

***International Rescue Committee (IRC)***

Ms Jacquelyn Joy MIZE-BAKER  
Director of Refugee Processing  
New York, USA  
irc@theirc.org  
www.theirc.org

***International Rescue Committee (IRC)***

Ms Jane WARBURTON  
Prevention of Exploitation Adviser  
London, United Kingdom  
janew@theirc.org  
www.theirc.org

***International Save the Children Alliance (ISCA)***

Ms Helena GEZELIUS  
Representative  
Geneva, Switzerland  
helena@savethechildren.ch  
www.savethechildren.org

***International Service for Human Rights (ISHR)***

Ms Jibecke JONSSON  
Geneva, Switzerland  
hrm@ishr-sidh.ch  
www.ishr.ch

***International Service for Human Rights (ISHR)***

Ms Alina MEYER  
Intern  
Geneva, Switzerland  
hrm@ishr-sidh.ch  
www.ishr.ch

***Intersos***

Mr Damaso FECI  
Representative  
Geneva, Switzerland  
intersos@worldcom.ch

www.intersos.org

**Intersos**

Mr Lucio MELANDRI  
Head Emergency Unit  
Roma, Italy  
intersos@worldcom.ch  
www.intersos.org

**Islamic African Relief Agency (IARA)**

Mr Mohamed SULIMAN  
Director General  
Khartoum, Sudan  
israag@sudanmail.net

**Islamic Relief Worldwide**

Mr Habib TEBOURBI  
Counsellor  
Geneva, Switzerland  
info@islamic-relief.ch  
www.irw.org

**Italian Council for Refugees (CIR)**

Mr Christopher HEIN  
Director  
Roma, Italy  
direzione@cir-onlus.org

**Jesuit Refugee Service (JRS)**

Ms Anne-Christine BLOCH  
Representative  
Geneva, Switzerland  
stine\_bloch@bluemail.ch  
www.jrs.net

**Jesuit Refugee Service (JRS)**

Mr Jusup Edi MULYONO  
Yogyakarta, Indonesia  
edi.mulyono@jrs.net  
www.jrs.or.id

**Jesuit Refugee Service (JRS)**

Mr Richard RYSCAVAGE  
Chair of Interaction  
Washington, USA  
ryscavjrs@aol.com  
www.jesref.org

**Jesuit Refugee Service (JRS)**

Mr Desire SERUHUNGO  
Country Director  
Byumba, Rwanda  
jrsbyumba@rwanda1.com  
www.jrs.net

**Jesuit Refugee Service (JRS)**

Ms Melanie TEFF  
Advocacy Coordinator  
Roma, Italy  
international@jrs.net  
www.jrs.net

**Jubilee Campaign**

Mr Tarik RADWAN  
Attorney-Advocate

Fairfax, USA

tarikradwan@jubileecampaign.org  
www.jubileecampaign.org

**Lawyers Committee for Human Rights (LCHR)**

Ms Eleanor ACER  
Director, International Refugee Program  
New York, USA  
acere@lchr.org  
www.lchr.org

**Lutheran Immigration and Refugee Service (LIRS)**

Mr Ralston DEFFENBAUGH  
President  
Baltimore, USA  
rdeffenbaugh@lirs.org  
www.lirs.org

**Lutheran World Federation (LWF)**

Mr Rudelmar BUENO DE FARIA  
Program Officer  
Geneva, Switzerland  
rbf@lutheranworld.org  
www.lutheranworld.org

**Lutheran World Federation (LWF)**

Mr John DAMERELL  
Program Coordinator  
Geneva, Switzerland  
damerell@lutheranworld.org  
www.lutheranworld.org

**Lutheran World Federation (LWF)**

Ms Maria IMMONEN  
Program Officer  
Geneva, Switzerland  
mim@lutheranworld.org  
www.lutheranworld.org

**Lutheran World Federation (LWF)**

Mr Neville PRADHAN  
Program Officer  
Geneva, Switzerland  
nap@lutheranworld.org  
www.lutheranworld.org

**Malawi Red Cross Society**

Mr Mcbain KANONGODZA  
Secretary General  
Lilongwe, Malawi  
uredcross@malawi.net

**Mandat International**

Mr Abdullatif FAKHFAKH  
Responsible Documentation  
Geneva, Switzerland  
admin@mandint.org  
www.mandint.org

**Mandat International**

Mr Fyras MAWAZINI  
Project Coordinator  
Geneva, Switzerland  
admin@mandint.org

www.mandint.org

***Mandat International***

Ms Minerva ROMO  
Intern  
Geneva, Switzerland  
admin@mandint.org  
www.mandint.org

***Mandat International***

Ms Joana SZABUNKO  
Intern  
Geneva, Switzerland  
admin@mandint.org  
www.mandint.org

***Mandat International***

Mr Sebastien ZIEGLER  
Director  
Geneva, Switzerland  
admin@mandint.org  
www.mandint.org

***Médecins du monde International***

Mr Alexandre KAMAROTOS  
International Secretary  
Paris, France  
alexandre.kamarotos@medecinsdumonde.org  
www.mdm-international.org

***Médecins sans Frontières International***

Ms Laure DELCROS  
UN Delegate  
Geneva, Switzerland  
laure.delcros@geneva.msf.org  
www.msf.org

***Menedek - Hungarian Association for Migrants***

Mr Andras KOVATS  
Programme Co-ordinator  
Budapest, Hungary  
menedek@menedek.hu  
www.menedek.hu

***National Association of Community Legal Centres***

Ms Moya DODD  
Sydney, Australia  
naclc@fcl.fl.asn.au

***National Association of Community Legal Centres***

Mr Conrad GEORGE  
Sydney, Australia  
naclc@fcl.fl.asn.au

***National Association of Community Legal Centres***

Ms Elena IVANOVSKY  
Sydney, Australia  
naclc@fcl.fl.asn.au

***National Association of Community Legal Centres***

Ms Sandy KILLICK

Communications Officer  
Sydney, Australia  
naclc@fcl.fl.asn.au

***National Association of Community Legal Centres***

Mr Shane Eric John PRINCE  
Counsel  
Sydney, Australia  
prince@hbhiggins.com.au

***National Christian Council of Kenya***

Ms Judith Wanjiru MURIUKI  
Acting Project Coordinator  
Nairobi, Kenya  
ncckspec@kenyaweb.com

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

Mr James Davenport THOMSON  
National Refugee Advocacy Officer  
Sydney, Australia  
jthomson@ncca.org.au

***Neeka***

Ms Nadiya ZAMURAYEVA  
Coordinator of the Programme  
Mukachevo, Ukraine  
neeka@mk.ukrtel.net

***New Humanity***

Mr Emile BUTOYI  
Geneva, Switzerland  
newhumanity@bluewin.ch

***New Humanity***

Mr André KALENDE  
Geneva, Switzerland  
newhumanity@bluewin.ch

***NSU of Itineris***

Ms Tatyana MILOVANOVIC  
Software Development Manger  
Tuzla, Bosnia & Herzegovina  
tanjam@nsu.net  
www.itineris.nsu.net

***Ofadec***

Mr Mamadou NDIAYE  
General Director  
Dakar, Senegal  
ofadec@sentoo.sn

***United Nations High Commissioner for Human Rights***

Ms Kate FOX  
Geneva, Switzerland  
kfox@ohchr.org

***Organisation de Développement Intégré Communautaire (ODIC)***

Mr Abdulaye Bademba BAH  
Executive Director  
Conakry, Guinea  
odicfr@yahoo.fr

**Organisation Mondiale contre la Torture (OMCT)**

Mr Sylvain DE PURY  
Representative a.i.  
Geneva, Switzerland  
omct@omct.org  
www.omct.org

**Oxfam GB**

Mr Andrew BONWICK  
Protection Adviser  
Oxford, United Kingdom  
abonwick@oxfam.org.uk  
www.oxfam.org.uk

**Oxfam GB**

Ms Amelia BOOKSTEIN  
Policy Adviser  
Oxford, United Kingdom  
abookstein@oxfam.org.uk  
www.oxfam.org.uk

**Oxfam GB**

Ms Sophia SWITHERN  
Protection Officer  
Oxford, United Kingdom  
sswithern@oxfam.org.uk  
www.oxfam.org.uk

**Permanent Mission of Canada**

Ms Leslie NORTON  
Conseiller  
Geneva, Switzerland  
leslie.nortonv@dfait-maeci.gc.ca

**Permanent Mission of the USA**

Ms Paula LYNCH  
Attaché  
Geneva, Switzerland  
lynchpr@state.gov  
www.usmission.ch

**Portuguese Refugee Council (CPR)**

Ms Teresa MENDES  
Board Director  
Lisbon, Portugal  
cpr@mail.telepac.pt  
www.cpr.pt

**Presbyterian Church**

Mr John A. ROBINSON  
Associate for Refugee Ministry & Government Relations  
Louisville, USA  
jrobinson@ctr.pcusa.org  
www.pcusa.org/pda

**Prince Sultan Special Committee for Relief**

Mr Jamaan Ali AI-ZAHRANI  
Vice-President  
Riyadh, Saudi Arabia  
fs2a@hotmail.com

**Reach Out Project**

Mr Henk VAN GOETHEM

Project Manger  
Geneva, Switzerland  
henk.vangoethem@ifrc.org  
www.reachout.ch

**Refugee Assistance Headquarters**

Ms Manako KOMURA  
Staff  
Tokyo, Japan  
komura-m@rhq.gr.jp  
www.rhq.gr.jp

**Refugee Centre for Human Rights (RCHR)**

Mr Mohamed EL HANFY  
Social Worker  
Cairo, Egypt  
rchr@link.net

**Refugee Consortium of Kenya**

Ms Eva MAINA-AYIERA  
Programme Officer  
Nairobi, Kenya  
refcon@iconnect.co.ke

**Refugee Consortium of Kenya**

Ms Judy WAKAHIU  
Programme Coordinator  
Nairobi, Kenya  
refcon@iconnect.co.ke

**Refugee Council of Australia**

Ms Margaret PIPER  
Executive Director  
Glebe, Australia  
margaret@refugeecouncil.org.au  
www.refugeecouncil.org.au

**Refugee Council of USA**

Ms Berta ROMERO  
Coordinator  
Washington, USA  
rcusa2000@aol.com  
www.refugeecouncilusa.org

**Refugee Women's Organisation**

Ms Mbela NZUZI  
President  
Bucharest, Romania  
mbela@arca.surf.ro

**Refugees International**

Ms Veronika MARTIN  
Director of Human Rights  
Washington, USA  
veronika@refintl.org  
www.refugeesinternational.org

**Romanian National Council for Refugees**

Mr Niculae CARCU  
President  
Bucharest, Romania  
office@cnrr.ro  
www.cnrr.ro

**Save the Children Sweden**

Mr Hans LIND  
Programme Officer  
Stockholm, Sweden  
hans.lind@rb.se  
www.rb.se

***Save the Children USA***

Mr Rudolph VON BERNUTH  
VP Children in Emergencies & Crisis Dep't  
Westport, USA  
rvonbern@savechildren.org  
www.savethechildren.org

***Secours Catholique pour le Developpement (SECADEV)***

Mr Sou Ngadoy NGABA  
Directeur General  
N'Djamena, Tchad  
secadev@intnet.td

***Serbia & Montenegro Red Cross Society***

Ms Jelena PESIC  
President  
Belgrade, Serbia and Montenegro  
jckbgd@jck.org.yu  
www.jck.org.yu

***Society for the Threatened Peoples International***

Mr Chhime CHHOEKYAPA  
Representative  
Gottingen, Germany  
asien@gfbv.de

***Society of Citizens Assisting Migrants (SOZE)***

Mr Cristian POPESCU  
Chairman  
Brno, Czech Republic  
sozes@mbox.vol.cz  
www.web.quickcz.cz/soze

***Soka Gakkai International (SGI)***

Mr Kazunari FUJII  
Representative to UN  
Geneva, Switzerland  
kazunari@geneva-link.ch  
www.sgi.org

***Sphere Project***

Ms Nan BUZARD  
Project Manager  
Geneva, Switzerland  
sphere@ifrc.org  
www.sphereproject.org

***Steering Committee for Humanitarian Response (SCHR)***

Mr Joel McCLELLAN  
Executive Secretary  
Geneva, Switzerland  
schr@ifrc.org

***Stichting Vluchteling / Netherlands Refugee Foundation***

Ms Tineke CEELLEN  
Director

The Hague, Netherlands  
tinekeceelen@vluchteling.org  
www.vluchteling.org

***Stichting Vluchteling / Netherlands Refugee Foundation***

Mr Antoon CLAASSEN  
Deputy Director, Head of Dept Fundraising & Public Information  
The Hague, Netherlands  
antoonclaassen@vluchteling.org  
www.vluchteling.org

***Stichting Vluchteling / Netherlands Refugee Foundation***

Ms Aninia NADIG  
Coordinator of Working Group on International Refugee Policy  
The Hague, Netherlands  
info@vluchteling.org  
www.vluchteling.org

***Sudan Open Learning Organisation (SOLO)***

Ms Rashida MUTALIB  
Director  
Khartoum, Sudan  
solo123s@hotmail.com

***Swedish Refugee Council / Swedish Refugee Aid (SWERA)***

Mr Borje SJOKVIST  
Secretary General  
Stockholm, Sweden  
refuge@algonet.se

***Terre des Hommes***

Mr Yann COLLIUO  
Emergency Desk Officer  
Le Mont sur Lausanne, Switzerland  
tdh@tdh.ch  
www.tdh.ch

***Thai Catholic Commission on Migration***

Mr Daniel BOYD  
Executive Director  
Bangkok, Thailand  
dab107@yahoo.com  
www.nccm.th.com

***Thai Catholic Commission on Migration***

Mr Soe Aung Naing CHIT  
Social Services Coordinator  
Bangkok, Thailand  
pbchit@yahoo.com

***Thai Catholic Commission on Migration***

Mr Sittichai CHONRABUDDHANON  
National Director  
Bangkok, Thailand  
sitthic@yahoo.com

***Thai Catholic Commission on Migration***

Mr Ntwiga DICKSON  
Director

Bangkok, Thailand  
dickson1@nccm.th.com  
www.nccm.th.com

**United Church of Canada**  
Ms Heather MACDONALD  
Program Officer, Refugees & Immigration  
Etobicoke, Canada  
hmacdona@united-church.ca  
www.united-church.ca

**Uniting Church in Australia**  
Ms Elenie POULOS  
Sydney, Australia  
eleniep@nat.uca.org.au  
www.nat.uca.org.au

**UNV**  
Mr Ayoub SIZYA  
Information Officer  
Freetown, Sierra Leone  
slefr@unhcr.org

**VAINAKH Association for Culture Development of Chechens**  
Mr Akhmet MURADOV  
Head of Association  
Almaty, Kazakhstan  
krasina-18@yahoo.com

**VAINAKH Association for Culture Development of Chechens**  
Ms Madina MURADOVA  
Interpreter  
Almaty, Kazakhstan  
krasina-18@yahoo.com

**Vicaria de Pastoral Social, Chile**  
Mr Eduardo ROJAS  
Executive Secretary  
Santiago, Chile  
erojas@iglesia.cl  
www.vicariapastoralsocial.cl/

**Webster University**  
Mr Otto HIERONYMI  
Head of Int. Relations & Migration & Refugee Studies Program  
Geneva, Switzerland  
hieronymi@webster.ch  
www.webster.ch

**Windle Trust Kenya**  
Ms Mary KHIMULU  
Director  
Nairobi, Kenya  
khimulu@windle.org

**Women's Commission for Refugee Women & Children**  
Ms Wendy YOUNG  
Director of Government Relations  
New York, USA  
wyoung2@earthlink.net

www.womenscommission.org

**World Council of Churches (WCC)**  
Ms Elizabeth FERRIS  
Coordinator Diakona & Solidarity  
Geneva, Switzerland  
egf@wcc-coe.org  
www.wcc-coe.org

**World Council of Churches (WCC)**  
Ms Ruth LEE  
Asia Desk Intern  
Geneva, Switzerland  
rel@wcc-coe.org  
www.wcc-coe.org

**World Council of Churches (WCC)**  
Ms Rachael MEDENA  
Associate-Diakona & Solidarity  
Geneva, Switzerland  
rachel.medena@wcc-coe.org  
www.wcc-coe.org

**World Council of Churches (WCC)**  
Mr Simote VEA  
Geneva, Switzerland

**World Food Programme (WFP)**  
Ms Sheila GRUDEM  
Program Officer, Food Security, Safety Nets & Relief Service  
Roma, Italy  
sheila.grudem@wfp.org  
www.wfp.org

**World Food Programme (WFP)**  
Ms Jutta NEITZEL  
Roma, Italy  
jutta.neitzel@wfp.org

**World Jewish Congress (WJC)**  
Ms Maya BEN-HAIM ROSEN  
Advocate Director  
Geneva, Switzerland  
cjm.wjc@bluewin.ch  
www.wjc.org.il

**World Jewish Congress (WJC)**  
Mr Daniel LACK  
Legal Advisor  
Geneva, Switzerland  
cjm.wjc@bluewin.ch  
www.wjc.org.il

**World Organization of the Scout Movement**  
Ms Shana MCELROY  
External Relations Representative  
Geneva, Switzerland  
shanathescout@hotmail.com  
www.scout.org

**World Union of Catholic Womens Organisations**  
Ms Ursula BARTER HEMMERICH  
Vich, Switzerland  
ubarter@swissonline.ch



***World Vision International***

Mr Thomas GETMAN  
Director of Humanitarian Affairs and International  
Geneva, Switzerland  
thomas\_getman@wvi.org  
www.wvi.org

***World Vision International***

Ms Heather MACLEOD  
Child Protection Director  
Washington, USA  
heather\_macleod@wvi.org  
www.wvi.org

***World Vision Japan***

Mr Kasushito TAKASE  
Director International Programs  
Tokyo, Japan  
kazushito-takase@worldvision.or.jp

***Youth Self-Supporting Centre Bosfor***

Ms Zalina ROSSOSHANSKAYA  
Director  
Asghabat, Turkmenistan  
bosfor@cpart.asb.tm  
www.bosfor.narod.ru

## Annex III

# OPENING STATEMENT BY KAMEL MORJANE UNITED NATIONS ASSISTANT HIGH COMMISSIONER FOR REFUGEES

Pre-Excom Consultations with NGOs  
24 September 2003

### Welcome

Ladies and gentlemen, colleagues, partners and friends,

It is a pleasure for me to open on behalf of the High Commissioner this year's annual consultation with you -- our valued NGO partners. I am most encouraged both by the high turnout today -- over 220 participants from some 150 organizations -- and by the rich and extensive agenda before us. UNHCR has depended upon NGOs since its inception. Indeed, NGOs -- or 'private organizations' as they were then termed -- are mentioned in the very first paragraph of our Statute. NGOs are our lifeblood, and we have always and will continue to rely on you. Today's meeting is an affirmation of this.

### Tribute to our fallen colleagues

Dear colleagues,

The last twelve months have been painful for all of us, as we have seen some of our best-loved colleagues fall victim to a startling new wave of violence directed against humanitarian workers. One year ago, Arjan Ekel of MSF was abducted in Daghestan, and has not been heard from since. In March this year, three ADRA staff were slain in Liberia, while later that month Ricardo Mungiah of the ICRC was executed in southern Afghanistan. In July, one IOM and one ICRC worker were killed while travelling in Iraq. This past month was our worst ever: Mercy Corps lost colleagues in Eritrea and Afghanistan, DACAAR staff were murdered in Afghanistan, and we experienced the devastating, sickening Baghdad attack of 19 August, in which 22 lives were lost. As the UNHCR Representative in Baghdad said after the explosion:

'The danger we used to fear in Iraq was being in the wrong place at the wrong time. Now, the wrong place is everywhere, and the wrong time is all the time.'

When I consider what has happened to humanitarian workers world-wide, and when I think of the fate could still be awaiting my United Nations and NGO colleagues, I wonder whether all of us are living in the wrong time, an era when even those who work for honourable causes are somehow deemed legitimate targets for bullets and bombs.

I have attended too many memorial services this year, and have grieved for those I knew well, and less well. We are not here *in memoriam* of our dead colleagues, but we cannot forget, as we proceed in our debates, that the fulfillment of our noble and necessary humanitarian tasks has in all too many cases demanded that some of us make the ultimate sacrifice.

### Staff security

This sad introduction brings me to the topic of staff security. It goes without saying that to honour our colleagues' memories we must continue to serve everywhere they have sacrificed their lives, but we have also to take all necessary precautions to limit the risk of new losses. We have been

and continue to be active – in collaboration with UNSECOORD – in taking what could be termed ‘conventional’ measures to protect staff: for example, securing office premises, deploying Field Security Advisers or controlling staff movements. But the 19 August Baghdad bombing has made it clear that we need to go beyond such defensive measures, and to address the wider political causes of insecurity. In the longer term, this means winning back international confidence in the impartiality and humanitarianism of the United Nations and its non-governmental partners, a task that is already being planned by the UN. We are reviewing our security policy and policy implementation for UNHCR Staff taking into consideration the fact that the humanitarian community is being directly targeted.

### **Operations: Iraq, Afghanistan, Liberia, Angola, Chad, Nepal**

Ladies and gentlemen,

I would like now to turn to a few other issues that we have been dealing with, and that might be of concern to your organizations. I will mention a few among many others of our demanding refugee operations, and then update you on partnerships, recent evaluations, ‘Convention Plus’ and ‘UNHCR 2004’.

#### Iraq

- our commitment to the Iraqi people vs the need to safeguard staff
- temporary relocation and the delegation of activities to national partners

#### Afghanistan

- largest return movement in the world, over 500,000 this year (391,000 assisted)
- UNHCR role: initial reintegration plus protection and monitoring of returns
- budget: USD 184 million (down from USD 195 million)
- Initial discussions have begun with governments about the situation of Afghans in the region, with a view to finding alternative, durable solutions for them.

#### Liberia

- marked improvement since departure of Charles Taylor, the deployment of ECOWAS peacekeepers and the establishment under Chapter VII of the UN Mission in Liberia (UNMIL) (SC resolution 1509 of 19 September 2003)
- however, concerned over recent outflow of 5,000 Liberians to Sierra Leone
- short term objective: volrep of Sierra Leone refugees
- IDPs: current involvement –limited assistance and protection monitoring in certain parts of the country. Done in collaboration with ICRC, NRC, WFP and others
- IDPs: future involvement: NFIs plus transportation to camps in other parts of country.

#### Angola

- we are hopeful – the country has been at peace, although the devastation of 27 years of war will take time to remedy
- 160,000 returns thus far.

#### Chad

- a worrying new emergency in one of Africa’s poorest nations, involving some 65,000 Sudanese who have fled fighting in Darfour. They are in a poor, but not life-threatening condition
- currently, UNHCR has been distributing NFIs; also, a swift response by MSF

## Nepal

- 100,000 Bhutanese who have been there for over a decade.
- to avoid leaving the people in limbo for another decade and in order to push for a durable solution, the High Commissioner has decided to phase-down this operation. This action will be undertaken gradually in the context of a strategy involving provision of self-reliance assistance to the Government of Nepal to help locally settle refugees, resettlement assistance for a small number of vulnerable cases, and a limited voluntary repatriation package for those who can return, as unfortunately, we will not be able to promote voluntary repatriation, because we have no access to Bhutan yet.

## **Partnerships**

I began my speech today by noting the essential role that you play as our humanitarian partners. One recent development in this domain has been the issuance by the High Commissioner of a policy document entitled 'Better meeting needs of refugees through strengthened collaboration with operational partners'. This calls for a major long-term change in our approach to partnerships. In particular, UNHCR recognizes that it must:

- redouble efforts to engage operational partners in assessment and planning
- better institutionalize participatory programming practices
- shift away from a resource-driven model to one based on actual needs.

In essence, this document acknowledges that we cannot 'do it alone', and that we rely on you – our valuable partners – to effectively assist refugees.

## **Follow-up to evaluations on community services, women and children**

As you know, UNHCR has undertaken three evaluations: on community services, women, and children. All of these evaluations acknowledged the value of UNHCR's current policies on these subjects, but underlined the inadequate implementation of these policies at the field level, and expressed concern over the lack of institutional ownership of the various priorities.

We convened a meeting in May, at which some of you were present, on UNHCR's response. We informed you of a range of remedial actions we had undertaken, including the publication of new guidelines, training and capacity building, enhanced staffing, the increased use of participatory approaches to better address protection concerns, the launch and operationalization of a code of conduct, and other measures. The latest action was the launch last Friday of our revised guidelines on SGBV.

## **UNHCR 2004**

I will end by briefly noting the 'UNHCR 2004' and 'Convention Plus' initiatives.

UNHCR 2004 is a process that has reviewed how UNHCR is situated within the United Nations system, and has determined how it could be better positioned to discharge its mandate. Recognizing the linkages amongst conflict management, humanitarian action, human rights and development policies, it underlines the need for us to forge more effective linkages with UN and non-UN partners. UNHCR 2004 also stresses the need to enhance prospects for finding durable solutions for refugees, including through 'DAR' (development assistance to refugees), the 4Rs (repatriation, reintegration, rehabilitation and reconstruction) and the inclusion of refugees on the development agenda.

### **Convention Plus**

Closely related to 'UNHCR 2004' is Convention Plus, an initiative intended to strengthen the tools of protection by making the international response to refugee situations more reliable and effective, and by ensuring greater equity in the sharing of responsibilities and burdens. Convention Plus was launched at a Forum held in June. UNHCR is testing out some of its burden-sharing and other ideas in a number of refugee situations, including Afghanistan and Angola.

### **Conclusion**

Ladies and gentlemen, esteemed partners,

In conclusion, I would like to take this opportunity to express my gratitude and congratulations to the colleagues from both sides who have been involved in preparing this meeting and in ensuring such an impressive agenda – in particular Craig Sanders, Ed Schenkenberg and their hard-working teams – and to all of you who will be participating in the pre-Excom. You represent a large and diverse group, from whom we can certainly gain valuable insights, and we look forward to hearing your thoughts on various topics, both today and during the more in-depth round table sessions.

Thank you.

## Annex IV

### **STATEMENT BY DENNIS MCNAMARA** **Pre-Excom Consultations with NGOs** **26 September 2003**

When Craig Sanders sheepishly asked me a few days if I would be “Guest Speaker” for this Consultation with a vague reference to being a “father of Parinac”, I realized that a number of earlier, more notable outside choices must have been unavailable! Pride aside, however, I am very pleased to be back with so many NGO friends old and new, almost exactly 10 years after Soren and I began the Parinac global consultation process (which some of you may still remember!).

I would like to speak to you today not as UNHCR’s Inspector General, but more personally as someone coming back to UNHCR after several years seconded to the UN and particularly its peacekeeping operations, trying - like many - to grapple with some of the new challenges we now face, in this rather harsh international environment.

As humanitarian activists, almost by definition we live in troubled times and places – something of an occupational necessity, and choice. But for many of us, the past six weeks have been the worst times of our recent lives. The atrocity of 19 August in Baghdad took a terrible toll of some of the best humanitarians - and people – we have known: Sergio, of course, and the 14 other UN colleagues (which we are still trying to come to terms with). And our dear and good friend and collaborator for decades, Arthur Helton. As well as the terrible injuries suffered by my very dear friend and colleague, Gil Loescher. Our wishes and thoughts are with all their families and friends.

Trying to make “sense” out of such tragedy and chaos is probably a futile exercise, but a very natural human instinct, nevertheless. Despite the many analyses, so far, most of us have not, I suspect, succeeded in trying to rationalize those vicious attacks. What does emerge from such an upheaval is often a deep sense of questioning, both personal and professional. And today I wanted to focus on some of those questions, at least insofar as they relate to our commonly declared humanitarian missions and priorities. Questions, I would emphasize, for which in the main we (or at least I) certainly have no clear answers. But questions, nevertheless, that do have to be responded to, not least because they affect what we do, or do not do, both now and in the future.

Some three weeks after the Baghdad bombing, a number of us from UNHCR involved in Iraq met with our colleagues from Iraq in Beirut to review where we should go from here. This was necessary because the Baghdad attack brought a new dimension to anti-UN hostility: a degree and magnitude we had not seen previously.

Our Beirut reflections were a valuable catharsis, therapy and outlet, but they also raised a number of fundamental questions that we – UNHCR and our partners - needed to address. The answers cannot be instantaneous or simple and some will also evolve over time, but the questions must start to be addressed. In no particular order, they included the following:

1) How do humanitarian agencies – including UNHCR and its partners - avoid being too closely identified with resisted political or military interventions (as in Iraq)? How do we balance the need for a secure political and military environment - which we certainly need for our operations - without being seen as “humanitarian cover” for strenuously contested political action? Should the increasing peacekeeping merger of humanitarian and political aspects of such operations of the 1990s be revisited, at least in unilaterally-led interventions, such as Iraq? And if so, how? What is the proper distance we should aim for?

2) What are the benchmarks or minimum conditions for humanitarian agencies to work in ongoing conflict areas? And when do we say No and on what basis? When and how do we

withdraw, or re-engage? What is the proper balance between “life sustaining/saving” action and unreasonable risk to our staff (both national and internationals)? How do we resist giving in to the bullying of the bombers without sacrificing more humanitarian workers unnecessarily? Especially if, as in Iraq, we have no life-saving operations?

3) Is humanitarian action being used as an inadequate substitute for unclear or unsuccessful political/military interventions and actions? Are we too passively accepting the “humanitarian imperative” argument, which has become something of a political theme tune since Kosovo and Afghanistan, in particular? Do we need a more radical defence of multilateral humanitarian and human rights action in the face of often overwhelming unilateral political and security imperatives? Or, realistically and frankly, are we too dependent on the same political and donor support that inhibits more vigorous and principled responses?

4) Does this new hostile environment, epitomized by Iraq (but existing elsewhere), require us to go back to the drawing board in terms of what we can effectively and fairly do in highly political/militarized contexts? Can we operate more effectively (and safely) by not being so present and visible, through national counterparts and structures? Are we doing enough to support and empower such structures? And if we do so, how do we also ensure that they and their local staff do not become the substitute “soft targets” for our fanatical opponents? Can we adequately protect them or our client beneficiaries, without an active, operational presence on the ground?

5) And finally, why are we now facing such intense and sustained hostility? Were we naïve to believe that our humanitarian flags and symbols were themselves enough for protection? Have we failed to effectively communicate, especially in regions such as the Middle East, what we are trying to do and what we really represent? Do we need a longer-term public campaign to address current negative perceptions of bias and partiality? Is there more scope for dialogue - a key concept of the UN Charter - with potential and actual opponents, as we have had traditionally, (including the Khmer Rouge and the Taliban, for example). How can we negotiate with groups we have not met?

These are just some of the basic questions that we are grappling with, post-19 August. I believe that they are questions for all humanitarian agencies: the UN, Red Cross and NGOs, working together as we do in those violent and unpredictable new zones. UNHCR is not alone with these dilemmas as without you, our NGO partners, we know we cannot function. To some extent, the reverse is also true.

Is this a time for collective brainstorming/reflection and review? – for a new Agenda for Peace or a Brahimi II – or perhaps for a different Agenda for Conflict and Humanitarian Action? Business as usual, at least, is clearly not a sufficient response.

Recently there has again been lot of focus on “UN reform” – the need for the UN and its agencies to take stock; the unsatisfactory role of the Security Council; multilateral peacekeeping vs unilateral pre-emptive action, etc.

But there has been less talk about the responsibility of States in all this: States who fund and direct most of us, directly or indirectly, and who will also ultimately decide what UN reform is possible. We need an expanded dialogue with all our partners – a new humanitarian coalition, including States and non-State actors – to respond to these challenges in an increasingly unreceptive and sometimes actively hostile environment. This dialogue must be with key political as well as humanitarian actors, if it is to be effective.

A crucial part of such a process is national pressure on government decision-makers to more seriously face issues, to help us maintain the unavoidable but critical balance between perceived national interests and established multilateral, humanitarian and human rights norms and commitments. If States are to meet their responsibilities in this area, we have learnt that they need

to be pressed domestically to do so. This is a key NGO role – from the local Islamic groups of Iraq to the rights advocates in Western States - it is this advocacy that nationally-based agencies must lead. The UN and international agencies crucially need domestic support to be able to function effectively and fairly, without undue risk. We know that our best protection is always local understanding and backing.

My friends, in my view these are some of the critical challenges we are facing today. My apologies for speaking probably too long, too broadly and perhaps too provocatively – but we are, together, at a fork in the road, as the Secretary-General recently told the General Assembly. These are big and important questions for our future work, which we ignore at our peril. I sincerely hope that we can agree in a renewed, expanded and vigorous partnership, on which path we should take.

Thank you.



**Annex V****Summary of Participants' Evaluation of Pre-ExCom**

This evaluation is based on the response of 65 participants, which is 29% of the number who attended Pre-ExCom (228 participants). Therefore the findings can be considered representative, but not necessarily conclusive.

The overall rating for Pre-ExCom was positive. Based on last year's evaluation, Pre-ExCom 2003 was structured to allow more time for networking. The appreciation of the extra time is reflected in the comments, which also gave the NGOs the opportunity to organise their own lunch-time meetings. Participants appraised the session topics, however they would prefer to have a fewer number of parallel sessions – making the choice was difficult. The venue was considered good although not conducive to a round-table format.

The round-table sessions were found to be very informative but lacking in time for good debate. The regional sessions were found useful although a more focused rather than general discussion would be appreciated. The linkage session with ExCom was good but some participants would like to see the ExCom members more involved so to generate better debate with the NGOs.

Throughout the evaluation, participants made specific comments about greater NGO participation from developing countries.

The table below provides some indication of the degree of satisfaction of Pre-ExCom 2003. 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	Structure				Usefulness			
	1	2	3	4	1	2	3	4
Agenda		1	26	26		2	22	29
Overall quality of the sessions		1	33	20		4	31	19
Venue		3	13	34		3	15	32
Opportunity to network		8	17	26		5	19	27
Overall organisation of Pre-ExCom		1	23	28		1	16	35

Further below in the participants' own words are comments on the round-table and regional sessions, as well as general comments on Pre-ExCom 2003 and recommendations for Pre-ExCom 2004. Comments have been grouped in the sequence of positive, negative and recommendations.

## Round-Table Sessions

- ◆ Durable Solutions: very good. There was a good discussion and lot of important aspects from all, NGOs and UNHCR staff were raised.
- ◆ Pour une première participation, je suis satisfaite. J'ai eu un aperçu général.
- ◆ Very good and educative.
- ◆ Durable solutions: very good opportunity for sharing experiences with fellow NGOs.
- ◆ NGO Sustainability: excellent session! Frank, open and informative discussion on practical issues. Certainly helps NGO's like us improve our understanding of funding issues, obstacles and possible solutions.
- ◆ Much better than previous years because of the shorter presentations and more opportunity for dialogue/interventions.
- ◆ Very helpful/useful in clarifying the processes of UNHCR. On Convention Plus and the HC's Forum: this was a good session because it was a combined UNHCR and NGO presentations.
- ◆ Best value: lunch-time discussion on interception.
- ◆ HR & Refs RT: good cooperation & presentation. Curious to hear from participants how useful they found it.
- ◆ Session on Refugee Livelihood particularly good ensuring good participation of NGOs.
- ◆ NGO Sustainability: excellent presentation which communicated issues faced by UNHCR very clearly.
- ◆ The presenters were well prepared, though the Education group was let down by lack of overhead projector. Panel speakers should speak less and give more time to participant to contribute too. Very useful and lively. Wished to have a session to summarise discussions from others Round-Tables. Good topics were chosen.
- ◆ Excellent with good use of time. Lot of opportunity for questions. Prior planning and good choice of questions paid off. We did need, however, more examples of successful projects from the field.
- ◆ I liked the round-table discussions on the problems of Durable Solutions.
- ◆ On Operationalising Partnership and on NGO Sustainability. I learned a lot, and, through discussions, I obtained new experience necessary to an improved work of the Belarusian Red Cross.
- ◆ The Round Table Sessions were the best opportunity for the participants to express their opinion and view points freely.
- ◆ Refugee Camp Security session: one attendant discussed matters concerning refugee camp security and prostitution within camps. Another issue concerned guidelines for refugee camps. The speeches were very interesting and informative – for my personal view the best discussion held at Pre-ExCom even though or maybe because of only few delegates joined this session.
- ◆ Number of interesting topics/panels.
- ◆ The less theoretical that a speaker is/the more practical, the better. I greatly appreciated sessions that included and ended with a discussion of how to move forward collectively and concretely.
- ◆ They were OK in general and make a choice is sometimes difficult.
- ◆ Operationalising partnership: was interesting to get to know the tool presented but it was too specific. Unfortunately topics as joint planning, fundraising and trends on partnership could not be discussed.
- ◆ Time limited for full participation.
- ◆ Not enough time for discussion and exchanges.

- ◆ Not enough time to discuss. Introduction too long.
- ◆ Problème du chevauchement des sessions. Les exposés sont bons, mais le temps imparti pour les débats restent trop courts.
- ◆ Operationalising Partnership: the display on the screen was unclear. The presentation was not clear and confusing.
- ◆ Operationalising Partnership Session: somewhat limiting. The chosen case study was of questionable utility and limited discussion on broader partnership issues at the operational level.
- ◆ Protection in region: a bit disappointing. Somewhat weak presentations leaving to unfocused discussions.
- ◆ Operational Partnership: a wonderful technological presentation, unfortunately, there was a clear lack of communication between the presenters and online description of project. The progress of partnership was not addressed.
- ◆ Too short, not enough time for NGO discussion or input.
- ◆ Operationalizing Partnership: too focused on electronic tool, not enough substantial discussion on issue and principle for promoting partnership.
- ◆ Partnership discussion did not seem well structured to a general discussion of this crucial issue: disappointing.
- ◆ Shorter speeches and time for comments, question & answers.
- ◆ Over-lapping of important sessions: Education, NGOs funding. Limited time for discussion and clarity on issues.
- ◆ Discussion tended to be fairly general, which is probably unavoidable given the large participation, and probably useful overall. The stress on short presentations is appropriate, though not always respected.
- ◆ Very good. Out time given to the sessions is very short. Presentations too long. Lunch time too long: only one hour should be sufficient.
- ◆ Session on Human Rights and Refugees too focused on CHR and TB (but that was the idea, and was thus indicated in the summary). In this respect the paragraph in the ExCom Conclusion is very good).
- ◆ IDPs: was a good topic or relevant, but it seemed like the UNHCR had not really fully decided on who is fully the main player of this. It was also not clear which exactly is our target IDPs. We are concerned about e.g. politically generated IDPs or natural disasters such as floods, famine or both.
- ◆ The Session on NGO Sustainability was crucially important. The financial issue is pivotal to everyone. I would have preferred it not to have been limited to Central Europe. The funding issue may need to be considered in more depth for the Pre-ExCom 2004.
- ◆ Los Grupos de trabajo plantearon problemáticas puntuales y análisis de la actualidad. Es necesario contar con más espacio para el debate. Algunos grupos de discusión fue muy débil en cuanto a los planteamientos y a los discursos teóricos. *(The working groups presented specific problems and an analysis of the current situation. It is necessary to have more room for debate. Some discussion groups were very weak in relation to the topics and theoretical presentations.)*
- ◆ Panels should be better prepared to promote discussion not just Q&A.
- ◆ IDPs session would have benefited from having other collaborative approach agencies on panel or in room like UNICEF, UNDP.
- ◆ Sessions could be made more specific. Difficulties to have a meaningful conversation with 80 to 100 individuals at the same time.
- ◆ Suggestion for another Session of Human Rights. There was a great deal of interest from national & regional NGOs. The subject is very dense and needs to be developed further.

- ◆ I could not attend but I understand the session “*Operationalising Partnership: A field perspective*” was a bit too technical. I find it unfortunate that there was no real opportunity to discuss partnership and the HC’s partnership innovation (IOM/FOM 46) as part of a roundtable discussion.
- ◆ The “*Conversation with Erika Feller*” did cover protection partnership but there was not enough time to cover questions and answers. We look forward to the Protection Partnership Retreat.
- ◆ Sessions needed to dwell on more practical and most direct issues.
- ◆ Encourage presentations to use O-H or Power point, not too much 1 or 2 slides.
- ◆ Well, I was on the panel for ExCom 94 and Refugee Security issue. Amazingly, considering the 3 of us were almost totally unprepared (due to missions) it went very well indeed. A very solid Moderator who also helped by getting everyone around the one table from the very beginning! The attendance was quite small but I can say that the interaction/dialogue was much better than last year. I was quite pleased. Wouldn’t it be great if we could from such Pre-ExCom sessions into an ongoing discussion group which could feedback throughout the coming year and really help UNHCR move some of the issues... and then even report to the next Pre-ExCom?
- ◆ It would be good to advise participants to hold on their name tags and place them visibly in all sessions they are attending. This would provide good visibility for both identifying the individuals when they speak as well as arranging bilateral meetings. In general more time for questions and answers should be allocated.
- ◆ Good, but discussions could have been focused on more specific issues.
- ◆ It would be better to get more time.
- ◆ Round Table Sessions (e.g. Human Rights) were more of an information “give” and lacked genuine dialogue.
- ◆ Operationalising Partnership: it was too technical.
- ◆ IDPs session: positive feedback. One concern though, may be that perhaps too many interesting sessions run parallel. It would have been good if the turnout at the IDP session had been higher. I guess it’s difficult to reduce the number of sessions, but perhaps an idea to try to set up the programme so that the topics of the parallel sessions differ so much as possible.
- ◆ On the item of Human Rights and Refugees, I was of the view that more time was necessary for NGO involvement in order to deepen the discussions. We started a little late and by the time we had finished our presentations – we were all of course longer than we should have been – there was little time for questions and a discussion. I would have benefited more from hearing from the NGOs and finding out the practical difficulties they have accessing human rights procedures.
- ◆ In some of the sessions there was no time for discussions: next year, the chairs and the speakers should stick to the time limits or make some sessions more “briefing or training” sessions so that people know what to expect. More NGOs with field operations should attend the meetings – we need to improve the synergy between advocacy and field expertise.
- ◆ Some of the sessions had too many panelists and not enough time for discussion. Maybe it would be possible for people to write on a piece of paper the day before a session the key questions/ideas they would like discussed at the panel sessions so that there is time to cover these burning issues. Also some of the larger rooms are fairly intimidating for people who are new to the Pre-ExCom experience and so I would encourage the use of smaller rooms for all non-plenary sessions.

## Regional Sessions

- ◆ Very impressive.
- ◆ Both Regional Sessions (Asia & Central Asia) were very interesting and informative. The possibility to discuss and analyze specific refugee situations in the respective countries was very useful. UNHCR staff responded very clearly and informative.
- ◆ Bonne session (Afrique).
- ◆ I attended Africa & Central Asia. They were informative, a good exchange of information and ideas.
- ◆ Honest, compelling, well led
- ◆ Europe Session was very good.
- ◆ Central Asia, Southwest Asia: very well presented, open frank and honest, much appreciated.
- ◆ The Session on the Asia-Pacific was critically important to my organisation and was very interactive.
- ◆ The Asia Session was particularly good, with a brief statement and great, pretty frank interaction.
- ◆ Africa: good general presentation, good participation especially of national NGO Representatives.
- ◆ Both the Caswaname and Africa Sessions were interesting and useful. I have no problem that they were totally different when it comes to content.
- ◆ I found the Regional Session on Asia really interesting as this was an area that I was unfamiliar with in regards to refugee issues.
- ◆ I attended the Regional Session for Europe. I am satisfied with the Guest Speaker's report. I enjoyed the discussion on the illegal migration, and I do appreciate the willingness of the UNHCR and EU to extend their support to Belarus in this issue in particular.
- ◆ The Regional Sessions were well organized, particularly there was a two period conference about Afghanistan, where all the issues of the region came under the discussion and adequate information was given to the Donor Agencies.
- ◆ The Regional Session on Africa was helpful in focusing on current challenge in the field and has a frank discussion. It allows also participants to raise concerns or suggest ways to go forward.
- ◆ The Regional Session on Europe was excellent. The presentation was concise, clear and there was ample time for questions and answers.
- ◆ Much better than previous years because of the shorter presentations and more opportunity for dialogue / interventions.
- ◆ Regional Session Europe: insightful information about future changes in legislation by the European Union as well as changes in national legislation.
- ◆ The Africa Session stood out from the others, largely due to the presenters who kept brief and to the point: were well informed and prepared to enter into dialogue.
- ◆ The Europe Regional Session was fine. Enough time for questions and answers. It was interesting.
- ◆ Speakers spoke well and enough time was given for questions/comments from the Africa Bureau.
- ◆ Asia-tone and presence good. The Director set the tone by allowing NGOs to ask questions on issues and protracted refugee situations.
- ◆ Asia-Pacific: it was very good that NGOs took the initiative at the sessions.
- ◆ The understanding of the resettlement program out of Africa seemed really weak.
- ◆ Central Asia: it was hard to cover huge areas.

- ◆ Too short, not enough time for NGO participation or input.
- ◆ Americas went on too long; questions were to the point but given few responses.
- ◆ Asia-Pacific: I am disappointed that very little mention was made on the Thai Burmese border situation. (140'000 refugees in 9 camps around this border!). This protracted situation leaves them with no near-term prospect for repatriation and restrictions on their movements in the host country. There is a very strong likelihood of their being the status quo for many more years ahead. This region deserves attention too!!!
- ◆ Attended the Africa Briefing...not much to say except that the session was fairly tame! Well, the Bureau did an OK presentation and the issues were fairly standard. The audience was too easy on the Panel. It would be good to set up a strong debate which threw-in a kind of provocative counter-position/argument against UNHCR!! I'd love to see a kind of HARDTALK session where UNHCR is "grilled" by someone like Tim Sebastian.
- ◆ Africa was lacking in female panelists
- ◆ For some Regional Presentations, time is too short to get information on all the issues of interest.
- ◆ Too general, should more useful to focus on one or two identified problem between UNHCR and NGOs in the region.
- ◆ Have less presentations and more time for discussions.
- ◆ Most of the issues presented reflect the experience of UNHCR in the field. There is a need for getting response of NGO's working in the field.
- ◆ It was not very clear on how the Africa Bureau who has a large number of refugees and so with many youths would fully benefit on education. These youth need more than the secondary education if they are to compete with employment market all over the world.
- ◆ In the Regional Sessions I attended, I was very concerned at how few NGOs from "the regions" there were – or if they were there they were not speaking either on panels or from the floor. Since to me one of the most interesting and beneficial aspects – and a major point of the whole exercise – had always been the opportunity to meet and discuss with and hear from such local and regional NGOs, I found this both disappointing and disturbing.
- ◆ Africa: a suggestion was made to liaise meetings between UNHCR & African NGO. In order for these to be most effective, I would suggest that UNHCR goes to Africa physically rather than asking the Geneva based NGOs to the talks. Otherwise there was enough time for questions & many issues were covered.
- ◆ Give more opportunity to meet others and share views in the global region.
- ◆ It was more general and informative. It is possible to regionalize it and get information from region: West Office, Southern Africa ..... Reporting as a regional overview.
- ◆ Donner plus de temps de partage lors de la session régionale afin que chacun puisse formuler ou poser ses questions.
- ◆ Es necesario tener mas tiempo para la reunión de la región. También es importante poder contar con el material escrito de la ponencia de la directora. La posición y reflexión planteada fue muy acertada y con. Estrategias muy a adecuada con los signos de los tiempos. *(It is necessary to have more time for the regional meeting. It is also important to have the written presentation of the director. The position and reflections (of the director) were very relevant and with adequate strategies to the current developments.)*
- ◆ Good but would be better to have specific regional issues as session topics, not just to have it open. Will lead to more focused discussion.
- ◆ Sessions could be made more specific.
- ◆ Informative. There should be a background paper or report on regional session that would also shortened the introduction part.
- ◆ Caswaname: too general introduction (of course some valid concerns post 19th bombing),

weak participation. Good for both sessions to have all UNHCR desk staff involved.

- ◆ Usefulness of adding to this session the summary of list of countries where UNHCR is running programmes in the regions mentioned.
- ◆ Need to introduce Desk Officials so delegate can meet them. More time for this would help.
- ◆ Good: perspective is not defined very well.
- ◆ Regional Session Africa: similar topics like in the Refugee Camp Security session. One quite impressive speaker for a NGO talked about a problem of discontinuity of funding by UNHCR. NGOs should be kept “alive” if it is foreseeable that there will be a demand for work by this NGO in near future.
- ◆ The Africa Session which I joined halfway through did seem to be covering issues that come up again and again - realistic support for indigenous or local NGOs. Maybe this needs special attention at next years Pre-ExCom to find solutions to these reoccurring problems.

## **Pre-ExCom 2003/2004**

### **Content**

- ◆ The sessions are focused and relevant.
- ◆ If you register all the suggestions from the previous Pre-ExCom, it's better if you summarise what happened to them during the year and which of them were implemented, to be sure that all our speech is respected and taken into account. Discuss in the next year how to protect NGOs from freezing their funds or stopping them from raising fund in the threat of terrorism. We must divers by them and not leave them to face the government alone.
- ◆ Involment of Governments in some of working sessions. Meeting follow-up to recommendations from this one.
- ◆ 2004: More Regional Sessions might be more useful than thematic Round-Tables as they are too general. Covering more themes in Regional Sessions could be more useful.
- ◆ Very useful to have one joint day on key issues for linkage to ExCom with Delegates of Governments. Agreement with suggestion that participation of more Southern NGO should be encouraged. Toward this end, International NGOs could be encouraged/arrange for attendance of representatives of Southern NGOs with whom they work. More time could be allowed for Pre-ExCom NGO Consultations. The 2003 event was actualllly 2 days of meeting in over a 3 days period. More meeting time could be provided in the same period. Less time could or should be given to introducing speakers/panel in outline (of issues) statements and more time given for NGOs' sharing or input.
- ◆ Transparency in organisation of Round-Tables needed. Put NGOs and UNHCR on equal footing.
- ◆ This year's themes seem to be: 1) Effective partnerships, 2) SGBV, 3) Education as protection tool, 4) Security. In order for partnership to be seen to be effective at this meeting, it would be good if all panels had a mix of UNHCR and NGO staff including the Regional Sessions. A similar comment on Gender parity.
- ◆ Let's have more sessions with the ExCom Members themselves and get them to dialogue with us more. Encourage International NGOs to bring national staff and partners. Include on the agenda issues of different needs/problems of INGOs and NNGOs in being effective.
- ◆ Where speakers are open, frank, and clear about issues that UNHCR faced, this very helpful.
- ◆ Can networking be facilitated (similar like IVCA's role) so that the International NGOs lead some network based on topics of interest regions of activities or target groups with National NGOs. More opporntinity for exchanging experience between NGOs themselves.
- ◆ Avoid that a Round-Table of general interest (e.g Convention +) is scheduled in competition

with other thematic sessions.

- ◆ **ExCom:** some side lunchtime NGO sessions were extremely informative (interception, women at risk), same with early morning or lunchtime UNHCR ones (registration- pity so few NGOs participated, and the mysterious new management skit on the last day - Management Systems Renewal Project), which NGOs should keep an eye on in case, at the end of the day they have to change much of their own systems to report as IP.
- ◆ Just as food for thought for next year, what if there was a topic to be discussed? The Rapporteur's report was pretty much the same from Pre-ExCom to ExCom, and need not be presented twice. Perhaps some of the issues that you know will be on the agenda could be selected as the topic, on which the Pre-ExCom Rapporteur could present NGO views in general, and then Governments and NGOs could alternate speaking. One that comes to mind (but who knows, maybe it will be resolved by next year...ha!) is "the collaborative approach to IDPs". You could tell Governments that thus-and-so is the subject and ask them to come to discuss that in the context of NGOs. How do they see the role of NGOs in the collaborative approach that is usually defined only in terms of UN agencies? Then, Governments can prepare talking points (our bread and butter) and those who are brave can also react spontaneously, if they dare! That is only an example: I am not suggesting the IDPs be the topic for NEXT year, but it is how I might have handled this year, especially looking back on the fact that it was not a very lively session.
- ◆ Would be grateful to have some NGO-only discussions as we deal collectively with Convention Plus.
- ◆ The side meetings were very helpful – notably the section on “Interception”. Suggest developing an overall coordination strategy to begin planning immediately and to ask for NGO commitment for next year session.
- ◆ It may not be addressed in the report, but I like you to know that in informal discussions which followed the Round-Table session, a number of partners indicated that there is strong interest to continue the debate on how to best use Human Rights mechanisms for the benefit of refugees in more detail and possibilities for appropriate and fora allowing to combine experience exchange, training components and strategic considerations should be explored.
- ◆ In my view, the process of inviting NGOs to Geneva for the Pre-ExCom has become mechanical and empty. The same letter goes out every year and the issues covered are not of clear relevance to the realities of NGOs here, not even a broader Europe. I think if we want NGOs for here to come to Geneva providing funding will help, but having topics to discuss that are meaningful to their work is just as important.
- ◆ The overall idea and implementation of the Pre-ExCom Sessions is **excellent** indeed, may even become as important as ExCom itself (if we want to REALLY talk to our partners.).
- ◆ It was very encouraging to see the impact of Pre-ExCom on ExCom content.
- ◆ The session was well organised and produced an evident impact. At the next session in 2004, it is advisable to pay more practical attention to problems of illegal migration that might be boosted by the EU expansion to the Eastern Europe. This challenge is very topical for the Republic of Belarus because of its geographical location. The UNHCR will have to lobby the solution of this problem for Belarus before the EU.
- ◆ Talking over partnership was one of the main objectives of NGOs, hope practical steps are being held in this regard in order to lead us to the long-term activities and development.
- ◆ To put on the agenda the most important problems confronting the NGOs from the South: funding, standing on its own as a specific item.
- ◆ I am thankful for the session on Education in Emergencies and Reconstruction, which provided a concrete look at and discussion about the importance of this in the field for the protection of refugees. It would be important to have some younger representatives from the field, such as refugee youth leaders, at Pre-ExCom 2004.
- ◆ 2003 had very good topics for working sessions were relevant and interesting. UNHCR was



very open and actively participating this year.

- ◆ **Pre Pre-ExCom:** regret that the preparation and preparatory meetings were insufficiently advertised and broadened, and that criteria for participation and contribution remained unknown. As a result, our perception is one of insufficient transparency and accountability. Suggestions: make known to the largest extent possible clear criteria for participation, including to the agenda setting, election (if there is one) for rapporteur.

## Organisation/Venue

- ◆ I think the setting is good, also documents.
- ◆ There is limitation of attendance from NGOs specially those national or local due to financial constraints. Thus I thank UNHCR & ICVA and request to find funding for a bigger number of National and Local NGO's because they are the ones in the field and assist in the planning. Documents should be sent before coming in order to prepare the sessions.
- ◆ 2003: Severe under representation of NGOs from some regions.
- ◆ Teas should be provided for both at 10 am and 4 pm. More time particularly in group discussions as well as plenary hall should be availed to the participants. Participants should be guided on issues like "how to update their travel both back home, as well as in Geneva". Participants should be assisted in viewing some Geneva's historical sites/shopping for those who may be interest.
- ◆ Registration needs to be streamlined. ICVA preliminary session was very useful. For 2004, in addition to the above points: security will need to be reconsidered, funding issues could be given more attention. Congratulations to ICVA and UNHCR for an outstanding conference/consultations.
- ◆ Pre-ExCom 2003 was well planned. Hope that Pre-ExCom 2004 will give more time for discussions
- ◆ Due to physical layout difficult to network easily (no central meeting point). No internet access. Overall useful nevertheless.
- ◆ Préparation bénéfique si le thème est connu auparavant.
- ◆ As a first time this exposure has enabled me to network and share experiences with colleagues in the field at different regions. It is unfortunate that accommodation turned out to be below expectation.
- ◆ Thank you very much to UNHCR, particularly the NGO Liaison Unit, for this opportunity to learn, participate and meet NGO colleagues.
- ◆ Have a much more focused and better interface with governments and EXCOM members in particular as this will be the year where an in depth evaluation of NGO participation will be decided upon.
- ◆ **Pre-ExCom: NGO participation:** more efforts to be made to include NGOs from the South. Some Governments would be willing to help in this respect (Canada apparently). Could ICVA be the recipient of this support and facilitate the process? Should we spot Government statements supportive of NGO participation and ask them each for a couple CHF. 1000,00- to sponsor Southern participation? Concerning NGOs participants from the South selected: thanks to UNHCR's Field Offices, could the small preparatory group be informed of their area of expertise, so that they are included on panels? How are final decisions on NGO participants on the various round-tables and panels made - I was asked?
- ◆ **On Statements:** begin the drafting process earlier, so that NGO representatives arrive at Pre-ExCom having already received a draft. Send out a request for input much earlier, even if final information not yet available on Pre-ExCom etc. By mid-July, ExCom conclusions already begin to be discussed and HC's reports to the GA, plus Note on International Protection are already issued. NGOs just need to be reminded by ICVA that the process should begin. Have another drafting meeting at beginning of ExCom, so ICVA not bogged-down, or perceived as having to be the gate keeper.

- ◆ Could UNHCR hold the meeting in a bigger room next year (XVII for instance, was not used during the whole ExCom). Space was cramped; some participants could not hear the speeches on the first morning. On other days tensions arose at the back with some IGOs representatives objecting to "NGOs conducting their business at the back of the room". However, sitting on the closed in space on the side of the room means you cannot pick up speeches regularly, not just hop up to delegates and talk to them.
- ◆ As usual the NGO Liaison Unit team did a fantastic job preparing for Pre-Excom. There were no hiccups as far as I could see. The name tags with NGO logos were swell! I have the same comments than other Geneva-based colleagues on the need to make progress re. Southern participation. Roundtable moderators should be given a sway in which NGOs should be invited to present. Great job. Thank you!
- ◆ Over to you, with my deep gratitude for the open dialog that NGOs have welcomed me into over the past year, much of which was facilitated by the NGO Liaison Unit. You all do great work; that which enhances understanding among NGOs, UNHCR, and Governments works ultimately to the benefit of refugees.
- ◆ I would like to ask UNHCR Regional Office to facilitate NGOs to attend Pre-ExCom meeting.
- ◆ Recommend alternative venue – e.g. the International Conference Center – so as to avoid the UN “good cop/bad cop” attitude when getting entry badges. Observed that there were many more NGOs registered than attended the Pre-ExCom session – of course, so we did not arrive but others spent more/all the time their our meetings. This was unfortunate!
- ◆ In so much of this sort of thing there is an assumption that people have been before – it was not exactly a ‘new user’ friendly set up. There were no signs to direct people to the correct building or any plan given in the pre-publicity handout materials. Coming on foot from UNHCR it would have helped to know that none of the buildings that are close to the bottom gate is what we are looking for.
- ◆ The logistics support was not good. We took both a powerpoint presentation and OHTs (just in case) the PPs did not work and there was no OHP (it came sometimes late in the course of the presentation). There was no real help offered by any of the support staff there. Moreover, there was no real time for preperation in the room because of the previous session continuing. If the logistics and timing were tightened and some ground rules laid down (and abided by) the sessions would be more fruitful.
- ◆ Well prepared before coming. Friendly communication. But need to give house-keeping orientation issues: where to eat, to catch buses, where rooms are. Serve tea at 10h00 and at 4 pm, re-book ticket for delegates.
- ◆ Good environment for debates. Good opportunity to meet other members and to see how they are dealing with our current problems. Good opportunity to meet UNHCR’s headquarters representatives. People consider being more useful discussing more precise and specific issues.
- ◆ We appreciate the effort and hord work that goes into organizing such a huge and complex affair.
- ◆ The Pre-ExCom was perfectly organised. Maybe there is an opportunity that more representatives from third world countries can join the Pre-ExCom next year.
- ◆ The speaker would distribute his speech.
- ◆ Overall, very well organised – thank you – with plenty of opportunities to become informed on a wide variety of issues. Of course, the vast number of participants limits by their very nature the possibility of conclusive dialogue. I hope that the upcoming protection dialogue will help this thorough.
- ◆ It was very well organised. Thanks again.
- ◆ I find unfortunate that the event runs parallel to Standing Committee meeting thereby disallowing ExCom member participation – the sessions certainly sounded interesting.

- ◆ It was also a great idea to organize the drafting groups during the Pre-ExCom; they worked out extremely good substance in the statements for ExCom this year. The relationship between UNHCR NGO Liaison Unit and the individual NGOs and ICVA seems to have worked out very well this year.
- ◆ **Venue:** insufficient opportunities to “mingle” and share information and experiences with “new” people. We ended up meeting and networking with participants we already knew, in part because of the venue itself. Because the Round-Table sessions took place on different floors, there were too little opportunities to meet participants before or after sessions, unless as part of something organised and prepared. Suggest that to the extent possible, all sessions take place on the same floor.
- ◆ Tener mas ONG del Sur. Seria importante tener mas dialogo sobre ste lema y poder contar con políticas refreuciales. Es necesario tener mas tiempo para el cierre. Es UN Espacio excelente debe sguir repitiendose. *(To have more NGOs from the South. This would be important, to have more dialogue on this topic and to have reference material on similar policies. It is necessary to have more time for the closure. The UN room is excellent and this can be repeated.)*

## Structure

- ◆ Allow more time for networking. List of participants should be sent before time to allow time to plan with whom to network.
- ◆ Less presenters and more time for discussions.
- ◆ Overall Pre-Excom has been organised very well, thanks to the good work of the UNHCR NGO Liaison Unit. The sessions in general were too short. Therefore often answers remained with no response and reaction. It was no time to really go into discussions. The overlapping of sessions is a problem as many interesting sessions cannot be attended.
- ◆ El Pre-ExCom 2003 nos permite intercambiar con ONGs. Y con actores de Naciones Unidas en los pasillos espacios muy importante para conocernos e intercambian. *(The 2003 pre-excom allows us to exchange information amongst NGOs and with the UN actors, particularly in the corridors where one gets to know each other for further exchanges.)*
- ◆ What lacked is time for more exchanges.
- ◆ Manque de temps pour les discussions.
- ◆ Sessions are run 4 at a time. Most NGOs can not afford 4 members staff to attend all sessions at the same time. Also the topics to be discussed on are circulated late. For Pre-Excom 2004, maximum of 2 sessions at the same time should be arranged. For a better participation, the issues and topics to be discussed may be circulated few weeks ahead of the meetings.
- ◆ Good! More opportunities for networking.
- ◆ Better solutions would be various small round-tables of 20-30 people.
- ◆ UNHCR NGO Liaison Unit & ICVA to work & identify Southern NGO representatives for panels that need financial assistance for travel. Discuss with Geneva based NGO staff possibility to offer hospitality to NGO colleagues from South to cut their costs.
- ◆ Avoid organizing broad thematic sessions relevant to UNHCR's developments, in competition with other more specific ones: e.g. the Session on Convention Plus attracted a very large number of participants, when "Registration" got very few, but this was not lack of interest.
- ◆ **ExCom:** [more for ICVA than for NGO Liaison Unit]: participants suggested having a daily NGO debriefing at 8.30. NGOs reps are busy having side meetings (with delegations, UNHCR and OHCHR offices, NGO side briefings) and would need to have this time together to be briefed on issues of the previous day by whoever stayed in the room. Could ICVA find an intern taking note of the proceedings for instance - and alerted to relevant developments?
- ◆ Included breaks in between sessions (tea/coffee). Some Nationals need to go to the

participants well in advance. I believe that NGO's have a much easier time speaking "off the cuff" than Government representatives do (except for folks, like me, who love to talk, anyway). So, the notion of having Government Members walk in a huge room full of NGOs, many of whom are very critical of government policies/practices, doesn't immediately lend itself to a great exchange.

- ◆ In the session I attended as a participant the moderator a) was 15 minutes late and b) had no synthesis ability re the panel. The panel went on and on and there was very little interaction and discussion. Given 90 minutes for the session less than 45 minutes should be used by the panel.
- ◆ The problem (with success) in this thing is that there is evidently too much to discuss and too little time to do so! The sessions that I was really keen to join would often overlap! The answer may be to make the Pre-ExCom longer, or to reduce the number of sessions/topics. Maybe a focus on less topics, or combining some of them (which would be natural in the context that many are so obviously linked) might help?...For example, merging the two sessions: "**Human rights and the protection of refugees**" together with (a sub-set) "**Refugee Camp Security and the civilian character of asylum**" might have been OK, including another sub-set on "**Gender and Community Services**" issues. This way you also oblige a more integrated, collaborative and ultimately holistic view of the protection concerns! Anyway, next year is another year and another round of topics. Good luck with it, but first of all, very well done again to the NGO Liaison Unit.
- ◆ You did a great job on the organisation...my sense of the panels is that a number of very interesting ones took place at the same time so it might have been difficult for NGOs to cover them...we did not get many and the reaction was rather tame...perhaps the panel was too "UNHCR apologetic". It would be good to advise participants to hold on to their name tags and place them visibly in all sessions they are attending. This would provide good visibility for both identifying the individuals when they speak as well as arranging bilateral meetings. In general more time for questions and answers should be allocated.
- ◆ Given the high number of participants and simultaneous events, it was difficult to organize bilateral meetings. Should you opt for this high number of sessions next year you might wish to consider having at the most two Round Tables at the same time to maximise the unique opportunity for "live" round tables acces to pertinent issues.
- ◆ Keep tight schedule: two working days over three calender days worked well. Of course we missed the HC but he was quite correct that his "permanent attention" over the past years allowed him to be excused.
- ◆ I do want to say that I thought this new system was better than what you did the previous years. The Round Tables I participated were very informative. In fact, it was difficult to make a choice. I also liked the lecture and the general organisation.
- ◆ Would suggest to give NGOs coming from the field the leading role of the meeting. They should be given the opportunity to share their experience and draw lessons collectively, on how the humanitarians should operate in the present, challenging world. The gathering is too much Geneva oriented. It is becoming more and more, like an ExCom for NGOs with the same module and standards. I am afraid that the realities faced by people of our concern are a bit too far from our discussions. The option, proposed hereby, if at all adopted, would provide, on the contrary, to the ExCom of the HC some useful "food" and inspiration directly coming from the field and thus create a badly needed LINK with the real world of refugees. This is the only realistic way, for the NGOs, to "contaminate" the (pardon) traditional rhetoric of the ExCom discussions.
- ◆ This was the first Pre-ExCom I attended. My general feeling was that participants had a tendency to make lengthy speeches when the floor was opened, as opposed to posing specific questions or specific recommendations to the panellists. In the regional protection round-table, panellists spoke for a long time, leaving almost no time for non-panellist participation. The session would have benefited from a more strict adherence to agenda timings. I was also not entirely clear that the discussions would have any bearing on decisions taken at ExCom.

It was particularly disappointing that so few states were present at the linkage session on the Friday, and that those who were present were seemingly unwilling to participate actively by speaking. Generally, I appreciated the round-table format and felt that overall the event was extremely well organised.

- ◆ **Atmosphere:** maybe a bit too “controlled”. As a result, we wonder whether opportunities for sharing and innovating were not missed. A minimum control is necessary and important. Too much may be discouraging and stifling.

## Annex VI

### **MEETING IN THE MARGINS OF PRE-EXCOM AND EXCOM**

UNHCR's Pre-ExCom and ExCom provide unique opportunities for networking and sharing information both inside and outside the formal sessions. Responding to the wishes of a number of participants last year, Pre-ExCom has been organized this year to provide participants with more 'free time' to organize special ad hoc meetings. A meeting room has been specially designated for this purpose – E.3060, 3<sup>rd</sup> Floor of the Palais des Nations, located near Room XIX where the ExCom is held.

Outlined below are times/places of the informal meetings already organized:

#### **Wednesday, 24 September 2003, 1300-1445**

##### **IDPs: Where do we go next as NGOs?**

**E.3060, 3<sup>rd</sup> Floor, Palais des Nations**

Jointly organised by NRC and ICVA to discuss what are some next steps we, as NGOs, can take on moving the IDP discussion forward, particularly with regards to the "collaborative approach" and the ongoing review of the IDP Unit in OCHA.

#### **Thursday, 25 September 2003, 0900-1000**

##### **Security**

**E.3060, 3<sup>rd</sup> Floor, Palais des Nations**

Explore some of the current challenges facing all operational agencies.

#### **Thursday, 25 September 2003, 1330-1445**

##### **Interception**

**E.3060, 3<sup>rd</sup> Floor, Palais des Nations**

Hosted by Canadian Council for Refugees to develop strategies for future public, political, and legal action on interception.

#### **Wednesday, 1 October 2003, 0900-1000**

##### **HIV/AIDS**

**Room XXIII, Palais des Nations**

Paul Spiegel, UNHCR's Senior Technical Officer on HIV/AIDS, will provide an update on UNHCR's accomplishments in the last year, discussing key policy issues, protection and anti-retroviral medication, and HIV prevalence data and the implications for policy and programming.

#### **Thursday, 2 October 2003, 0900 - 1000**

##### **Protection Surge Capacity Project**

**Room XXIII, Palais des Nations**

Jointly presented by IRC and UNHCR, this session will provide an update on the Surge deployment scheme and examine its future prospects and sustainability.

#### **Thursday, 2 October 2003, 1330-1445**

##### **Gender-based Violence: Continuing challenges and new resources**

**E.3060, 3<sup>rd</sup> Floor, Palais des Nations**

Organized by Human Rights Watch, the Women's Commission and Save the Children, UK

## Annex VII

### **PRE-EXCOM REPORT TO EXCOM** **Eisabeth Rasmusson, Rapporteur to the NGO Consultations** **2 October 2003**

*Mr. Chairman,*

Some of you will have heard parts of what I am about to say, since you were at our linkage with EXCOM session last Friday. For those States that were not able to attend that session, you are warmly welcomed to join us next year in order to ensure a better linkage between our meeting and EXCOM.

Unfortunately, the High Commissioner was ill and, therefore, could not open this year's Pre-EXCOM session. In his place, we had the pleasure of having the Assistant High Commissioner for Refugees, Kamel Morjane who set the tone of the meeting by saying that NGOs represent a large and diverse group that gives UNHCR insight. He also noted that UNHCR and NGOs face many of the same challenges following the bombing in Iraq and that the wider causes of security needed to be addressed. He stated that the recent IOM/FOM called for major, long-term change in terms of partnership with NGOs.

The turnout for this year's Pre-EXCOM, with 160 NGOs represented and 250 participants, shows the great importance that NGOs attach to UNHCR. NGOs from 65 countries spent 2 days discussing various issues of importance to refugee protection. The large number of UNHCR staff that participated in the lively and interactive discussions clearly marked a stronger commitment from UNHCR towards strengthening partnership with NGOs.

Panel sessions covered a broad range of topics, including:

- operationalising partnership;
- registration;
- Convention Plus and the High Commissioner's Forum;
- human rights;
- IDPs;
- better refugee protection in the regions;
- education;
- developing complaints and investigation mechanisms;
- NGO sustainability, particularly national NGOs;
- evaluations and follow-up; and
- regional sessions.

There were, however, three main themes that ran through this year's Pre-EXCOM: protection, partnership, and security.

#### **Protection**

On protection, there is a greater recognition that human rights instruments and bodies can be used to further the rights of refugees. NGOs can, and should, bring strong cases before regional human rights bodies and international UN treaty monitoring bodies to uphold and protect the human rights of refugees and asylum-seekers. In this regard, we are pleased to see the reference to UN human rights mechanisms in the draft conclusion on protection. We hope that governments will respond to, and implement, the recommendations of treaty monitoring bodies to ensure that their national legislation is in line with international human rights law.

There was debate about Convention Plus and the High Commissioner's Forum. The perception of NGOs was that this exercise is still very much controlled by States, with UNHCR being under pressure to play along. NGOs have a vested interest and a key role to play in ensuring that Convention Plus and the Forum will provide permanent solutions to the problems that refugees have and not only to the problems that States have. Given the close relationship that NGOs have with refugees, we can provide the necessary reality check in such forums.

On internally displaced persons, NGOs called upon UNHCR to further clarify its policy and its role in the collaborative approach to ensure more predictability. UNHCR also needs to put into practice its stated commitment to the collaborative approach.

The discussion on the follow-up to the evaluations on refugee children, refugee women, and community services focused on the lack of implementation of the recommendations. On the positive side, there will be a multi-sectoral *ad hoc* Steering Committee that will include UNHCR staff, governments, and NGOs, and which will monitor progress on UNHCR's commitments resulting from these evaluations.

The importance of primary and secondary education was emphasised as a valuable tool in protection. The development of standards for education in emergencies was seen as a significant step forward in improving protection.

During the session on registration, NGOs were concerned about the possible misuse of information by governments and others and questioned how the confidentiality of the data would be guaranteed. Questions were raised about how registration data would be used in resettlement and also how the data might be used for security purposes. NGOs will be testing the draft handbook over the next year and providing feedback, along with governments and UNHCR.

### **Partnership**

UNHCR is recognising that in many places it is not doing enough on partnership and needs to do more. "Partnership is an attitude and should not be discretionary," said one UNHCR participant. The commitment to changing attitudes within UNHCR was warmly welcomed, but in order to institutionalise partnership, there needs to be more regular discussions between UNHCR and NGOs – both at the field and headquarters level.

The High Commissioner's recent policy on partnership is welcomed by NGOs, but with some scepticism about the funding element. Partnership goes beyond the amount of money that an NGO brings to the table. NGOs are ready to explore ways to achieve qualitative improvements in NGO/UNHCR partnerships.

### **Security**

There was an overriding recognition that the recent tragic events in Iraq have irreversibly changed the context in which humanitarian action is undertaken. A special session allowed for a frank exchange of the challenges and the different responses being taken by UNHCR and NGOs.

It became clear that responses are happening at two levels. The first level concerns the actions that humanitarian agencies can take themselves. These actions include strengthening their capacities to understand the operating environment; improving training; and developing standards. It was also suggested that humanitarian agencies raise with donors the need for dedicated funding for security.

On the second level, the required actions go beyond the capacity of humanitarian agencies, as many of them are of a political nature. For example, the military undertaking humanitarian



assistance may seemingly win hearts and minds for the military, but it comes at the expense of the security of humanitarian workers.

In one of the closing sessions, Dennis McNamara challenged NGOs further on the issue of the changed humanitarian context. He posed a number of provocative and pertinent questions that have already formed the basis of further discussions and initiatives on ways forward to revitalise humanitarian principles.

The conversation with Erika Feller allowed NGOs to enter into a lively debate on protection. She proposed a protection retreat with those NGOs that have developed protection capacities. The valuable protection role that NGOs can play through their advocacy was also appreciated.

### **Southern NGOs**

UNHCR was able to bring several Southern colleagues who benefited from the opportunity to sit with UNHCR Bureaux directors and staff to discuss programmes and new ideas. One of the ways in which Pre-EXCOM could be improved next year, and where governments could help, is to bring more NGO representatives from the South to the meeting. International NGOs committed to trying to bring more of their national staff and colleagues to next year's Pre-EXCOM. After all, national NGOs are present before, during, and after a refugee crisis.

### **NGO Statements**

It is also worth mentioning that ICVA organised three drafting committees for the NGO statements to ExCom. The final NGO statements will all be available on ICVA's website ([www.icva.ch](http://www.icva.ch)), as well as on the UNHCR website ([www.unhcr.org](http://www.unhcr.org)).

Finally, but certainly not least, on behalf of the NGOs, I would like to express our great appreciation for the excellent work and cooperation with UNHCR's NGO Liaison Unit. The co-hosting of Pre-EXCOM by the Liaison Unit and ICVA is a further fine example of this cooperation.

## Annex VIII

### GENERAL DEBATE

#### NGO SUBMISSION FACILITATED BY ICVA WITH INPUT FROM A WIDE VARIETY OF NGOS 1 October 2003

*Mr. Chairman,*

##### **The Changed Context of Humanitarian Action**

The past several weeks and months will go down in history as an extremely difficult time for humanitarian action. The deteriorated security situations in Iraq and Afghanistan, causing the death or injury of UN and NGO staff, reinforce the reality of the interdependence of all humanitarian actors. The changed international climate in which humanitarian personnel are deliberately targeted, requires a re-evaluation of the way in which we work and the way in which we are perceived in many parts of the world – it is no longer business as usual. Our neutral and impartial action is increasingly intertwined with the activities of political actors and the military. The large majority of humanitarian funding is provided by only a few donor governments. Yet many of those same governments are also playing a leading role in the war on terrorism. In such an environment, how can we ensure the impartiality and independence of humanitarian action?

We welcome the renewed commitment of the international community to improve the security of humanitarian personnel. The recent Security Council resolution should not remain empty words. In this respect, we call for the immediate release of our MSF colleague, Arjan Erkel, who was kidnapped in Dagestan in the Russian Federation on 12 August 2002.

Simply increasing our physical security, whether by building higher walls around our compounds or increasing the number of guards, will help neither us nor those who we are trying to protect, support, and assist. The security environment in which we work has been irrevocably changed, but the biggest impact of that change will be on the lives of those with and for whom we work.

##### **The Current Context of Refugee Protection**

Since this Executive Committee last met, the security and protection of refugees, asylum-seekers, and other persons who have been forcibly displaced, have not improved in many places. On the contrary, numerous reports from NGOs and others point to the further deterioration of refugees' security, further restricting their ability to enjoy their rights to protection and durable solutions. The war on terrorism is used as a blanket excuse for the serious curtailment of refugees' and asylum-seekers' rights.

The trends that we have seen in terms of refugee protection are extremely worrying. We see the very States that have, in the past, committed themselves to protecting refugees, retreating from some of the most fundamental obligations under international refugee and human rights law.

We also see that in the context of mixed migratory flows, a complex and challenging field for all of us, there is still limited recognition of the need for an open and inclusive debate amongst all States and other actors on the social, economic, and protection implications of migration control measures. Instead, in their desire to "manage migration," the policies and proposals of several developed countries seen over the last year seriously threaten the fundamental and universal right to seek and enjoy asylum. Many of these governments are equating "migration management" with building higher barriers so as to keep people away from their borders. The result of such

“management” is that asylum-seekers are prevented from exercising their right to seek and enjoy asylum.

We are particularly concerned by proposals of the UK and similar ideas, which are supported by other countries including Denmark and the Netherlands. Essentially, they are a variation of Australia’s so-called “Pacific Solution,” a scheme that has seriously undermined the protection of refugees and asylum-seekers.

At the same time, these policies off-load responsibility for asylum-processing and protection, usually to poorer countries. Suggestions of providing protection in regions of origin are, in fact, an attempt to shift the responsibility that a State has for asylum-seekers on its territory onto developing countries. Yet, such proposals are being drafted, discussed, and planned with little consultation with those States to which the burden would be shifted, nor has there been any proper consideration of whether there will be access to effective protection.

We are also concerned that some States, in their attempts to shift protection to the regions of origin, are turning to organisations other than UNHCR to implement these plans. UNHCR has the mandate for, and a unique experience in addressing, international protection and must be involved in any discussions and plans relating to it. Outsourcing to IOM, for example, as a pragmatic solution, negates that mandate and experience and is unacceptable.

Several States, including Australia, Canada, the USA, and a number of EU Member States, have consolidated and expanded their interception activities under the rubric of combating illegal migration, smuggling, and trafficking, and of protecting national security. The law of State responsibility applies to any State action, regardless of where that action takes place. Extraterritorial interception by States must, therefore, be consistent with the State’s obligations under international human rights and refugee law.

The detention of asylum-seekers by some States continues to be inconsistent with the Refugee Convention, human rights law and standards, and UNHCR’s Detention Guidelines. In particular, arbitrary and discriminatory detention, detention on the grounds of a lack of documentation, and the detention of refugee children are unacceptable.

In other parts of the world, the right of refugees to return voluntarily to their own countries is not being respected. The protracted situation of the Bhutanese refugees in Nepal and the recent verification process are of particular concern. For example, despite reforms introduced in Nepal, Bhutanese refugee women still do not have their own registration documents or independent access to humanitarian aid.

The principle of *non-refoulement* is increasingly being violated. We strongly support UNHCR’s recent efforts to prevent the *refoulement* from Malaysia of Indonesians from the province of Aceh. We are equally concerned by the situation of the Rohingyas in Bangladesh and elsewhere in South-East Asia, which includes a lack of recognition of refugee status and the threat of forcible return. Despite atrocious living conditions in the camps in Bangladesh, many of the refugees are not willing to return. At the same time, many more have chosen not to take shelter in the camps out of a fear of being returned forcibly.

While much attention has been focused of late on Iraq, the international community must also ensure that other situations, such as Afghanistan, receive adequate support. The deteriorating security environment in Afghanistan is heavily impacting on the ability of humanitarian organisations to carry out programmes. In such an unstable situation, involuntary returns of refugees and rejected asylum-seekers to Afghanistan are unacceptable.

We are deeply disturbed by the continuing pressure on Chechens in Ingushetia to return to the Russian republic of Chechnya. Chechens in former Soviet republics, such as Kazakhstan, must have access to asylum procedures based on UNHCR's standards.

Other protracted situations in Africa require even more attention. In spite of the encouraging prospects for Liberia, it is critical that donors and international organisations recognise the continuing needs of refugee populations that remain in other West African countries. In Guinea, for example, refugee needs, such as child soldier rehabilitation and refugee primary and secondary education, remain underserved. The eventual goal of return will be undermined by a premature phase-out of services.

In Tanzania, we are concerned by the government's restrictions on refugees' freedom of movement that is impacting on their self-reliance abilities. The food rations, which were set in accordance with self-reliance measures, must be increased given the reduction in self-reliance abilities. The lack of adequate food is acting as a push factor for refugees to return to Burundi where the situation remains unstable. Local integration of refugees must be considered as an option for finding a solution to their plight.

Despite the positive political developments, there remains a need for adequate funding to ensure successful return to Angola. Without strong donor commitment, UNHCR will not be able to provide the necessary support to refugees wishing to return.

We welcome the call from the new UN Emergency Relief Coordinator to refocus attention and resources on "forgotten crises." In this context, as Chad is usually not a country in the spotlight, we call on the international community not to forget the 65,000 Sudanese refugees who recently arrived in Chad.

### **Resettlement**

The numbers of refugees being resettled from Kenya has not met the targeted numbers since 11 September 2001 due to security measures. While the US continues to resettle the largest numbers of refugees, the actual number has dropped dramatically. We would welcome further discussion on the proposed Strategic Use of Resettlement in all protracted refugee situations, as many would benefit from the proposed group resettlements. In light of the dramatically falling numbers of arrivals of asylum-seekers in many industrialised countries and the turnover of camps by UNHCR to national governments in some places, now would seem an appropriate time to vigorously pursue resettlement as a durable solution. We are concerned, however, that resettlement decisions are not being made on the basis of protection needs. This being said, the possible extension of resettlement to individual cases of stateless persons is a welcome one.

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

We must, yet again, sadly repeat that IDPs continue to fall between the cracks as the collaborative approach seems to be more whimsical than predictable. While we appreciate UNHCR's continuing stated commitment to the collaborative approach, we would like to see a clarification of UNHCR's policy on IDPs and a consistent application of that policy. In this respect, we urge UNHCR to engage in greater consultation with its partners with regards to the identification of IDP populations to be served by the agency. Such an approach would ensure that the more dire, difficult, and under-funded crises are not by-passed by UNHCR. This engagement should also extend to working with the inter-agency IDP Unit to find ways of improving the implementation of the collaborative approach.

### **Refugee Women and Children**

Despite excellent guidelines and commitments to community-based approaches in programming, many refugee women and children continue to be unable to access asylum and effective protection and continue to be subject to rape and other forms of gender-based violence. UNHCR's three evaluations on refugee women, refugee children, and community services highlighted that the current policies and guidelines are valuable, but are being inadequately implemented at the field level. We strongly support an inter-agency, multi-sectoral approach to ensure the protection of refugee women and children. Multi-sectoral teams should be created in all field and branch offices and should include NGOs working with refugee children and women. At the same time, expertise in these areas must support the work of these teams.

The Women at Risk programme fails to effectively target women at greatest risk due to the ambiguity of current definitions, problems in identification, and the slowness of processing. It is essential that the Women at Risk programme be implemented in a manner that ensures that women in need of urgent protection are identified and fast-tracked to safe resettlement countries. Effective strategies to address violence against women should be developed and implemented, in consultation with countries of origin, host countries, resettlement countries, and refugee women.

### **Prevention of Sexual Exploitation and Abuse**

Through the IASC Task Force on the Prevention of Sexual Exploitation and Abuse and the initiatives taken by UNHCR's Inspector General's Office to both respond to allegations and to develop much needed tools, important steps have been taken. We all recognise, however, that much remains to be done to ensure that refugees are truly protected and NGOs look forward to further working with UNHCR toward this end. We also urge donors to prioritise programme design that views humanitarian assistance through a protection lens.

### **Convention Plus and The High Commissioner's Forum**

NGOs can bring valuable experience from their work with refugees to the various discussions leading to Convention Plus agreements. We hope that the Convention Plus initiatives will particularly focus on protracted refugee situations. We look forward to actively participating in the discussions on resettlement; targeting of development assistance to help achieve durable solutions for refugees in regions of origin; secondary movements of asylum-seekers and refugees; and, of course, in The High Commissioner's Forum. The experience from our participation in the Global Consultations and the Annual Tripartite Consultations on Resettlement can help guide this participation.

### **ExCom Conclusions**

As a former Director of International Protection said to ExCom several years ago, the "Protection Conclusions are supposed to aid policy application at the national level in the interests of improving protection responsibilities for refugees...[and] strengthen UNHCR's ability to carry out its central and obligatory mandate function." We are concerned, however, that States are treating ExCom Conclusions in quite the opposite manner – as a way to dilute rather than strengthen protection.

We hope that in the review that will take place as a result of the UNHCR 2004 process, the ExCom will also revisit the process by which Conclusions are adopted and take a close look at the purpose of the Conclusions. States should make efforts to refocus the current trend of narrowing the scope of refugee protection and instead work towards interpretations that allow for more ways to better protect refugees.

The review should also look at ways of increasing NGO participation in the work of ExCom, as well as in the drafting process of the Conclusions. We found the informal consultations with

NGOs that led to the conclusion on the prevention of exploitation to have resulted in a stronger conclusion.

**Information**

Sharing information is key to carrying out protection. We are concerned that UNHCR has become less forthcoming in making available adequate country of origin information and guidelines on refugee status determination in specific situations to refugees, governments, and NGOs. Without access to this kind of information, protection will be compromised. We call on donor governments to ensure that adequate funds are made available in order to carry out this vital function, as well ensuring that they also share information related to refugee status determination with UNHCR and NGOs.

**Partnership**

Finally, but certainly not of least importance, we would like to welcome the High Commissioner's recent efforts to strengthen partnership with NGOs. The IOM/FOM issued by the High Commissioner on strengthening collaboration is yet another important step in the long history of partnership between UNHCR and NGOs. We hope that the move towards joint needs assessment, planning, and implementation will materialise throughout the organisation. In addition, partnership between UNHCR and NGOs should continue to look for ways of improving the crucial issue of protection. Only jointly can we work to improve the protection and assistance of refugees.

*Thank you.*

## Annex IX

### INTERNATIONAL PROTECTION

#### NGO SUBMISSION FACILITATED BY ICVA WITH INPUT FROM A WIDE VARIETY OF NGOS 2 October 2003

*Mr. Chairman,*

As we noted in our contribution to the General Debate, NGOs are deeply concerned by measures taken or proposed by States that restrict the ability of persons in need of international protection to exercise their fundamental human right to seek and enjoy asylum from persecution.

#### **Effective Protection**

The erosion of the international protection regime that we are witnessing is one that must be combated. In order to bolster international protection, there is an urgent need for a clear understanding of the meaning of “effective protection.” As long as this concept remains vague and ambiguous, refugees may be denied international protection or returned to danger or persecution. Effective protection must be understood to involve, *inter alia*, the following elements:

- physical security;
- material security;
- access to humanitarian assistance;
- rule of law;
- a functioning judicial system;
- respect for the rights of refugees, which includes protection from *refoulement* and respect for their fundamental human rights (including economic and social rights);
- access to secondary educational and livelihood opportunities; and
- timely access to durable solutions.

We are encouraged that States and UNHCR have acknowledged the need to define effective protection. The concept, however, needs further elaboration by UNHCR and this should be done in close collaboration with NGOs.

#### **Interception**

Under the rubric of protecting national security, States are increasingly adopting measures on land, at airports, and at sea to intercept migrants and asylum-seekers before they arrive on State territory. Australia, Canada, the United States, several EU Member States, and others are intercepting persons who lack authorisation or who match a certain profile and denying them access to their territory. Some, or even many, of these persons are asylum-seekers or refugees, and as a result of being intercepted are denied the opportunity – possibly their only opportunity – to seek and enjoy asylum from persecution. Disturbingly, because interception often occurs on the high seas or in restricted airport zones, UNHCR, NGOs, lawyers, and other outside observers are often unable to witness and monitor interception practices.

We are particularly concerned by cases of interception that have resulted in the violation of human rights, the denial of access to asylum, and the return of asylum-seekers to their countries of origin without consideration of their asylum claims. States that engage in interception have the responsibility and obligation to ensure that their actions – whether directly or indirectly – do not result in the return of a refugee to a situation where they could face serious danger or persecution.

While there are some important safeguards in this year's draft Conclusion on Protection Safeguards in Interception Measures, we are concerned by the language that suggests that primary responsibility for intercepted persons lies with the State within whose sovereign territory or territorial waters interception takes place. The law of State responsibility applies to any State action, regardless of where that action takes place. Extraterritorial interception must, therefore, be consistent with the State's obligations under international human rights and refugee law. Particularly when interception occurs in the territory of a State that is not party to the Convention or that lacks fair and effective asylum procedures, the intercepting State must accept responsibility for the protection of the person. In other circumstances, responsibility for intercepted asylum-seekers may be shared, so long as this is done equitably, in line with international human rights and refugee law, and with regard to the intercepted person's links with a particular country.

In this respect, we call on UNHCR to elaborate on the Conclusion through the development of *Guidelines on Safeguards for Interception Measures*, as stated in the Agenda for Protection (Goal 2, Objective 1), which must provide for the full respect of international refugee and human rights principles.

### **Return**

We are concerned that some States are returning rejected asylum-seekers to situations that are not safe. Some of the methods used to return these people are inconsistent with international standards and have placed these people in grave positions of danger. For example, recent research conducted by the Edmund Rice Centre in Sydney with the support of the Australian Catholic University has found that Australia has been returning rejected asylum-seekers to countries where they have only short-term visas and no legal protection. Moreover, it has been reported that, in some cases, returnees have been encouraged by State officials to obtain false passports to speed up their removal from Australia.

### **Detention**

We are very concerned that States are detaining asylum-seekers and refugees in violation of international human rights law and UNHCR's Detention Guidelines. Arbitrary detention, non-reviewable detention and detention on grounds of race or nationality, or on the basis of unfounded assertions of "national security" must stop. States should also abandon their use of detention as a tool to deter or punish asylum-seekers. Further, with reference to the Convention on the Rights of the Child, we stress that children should never be detained.

Basic standards for the treatment of detainees are also being violated by many countries, particularly when the detainees are non-citizens. The harm caused to asylum-seekers when they are detained is well-known. A recent report by Physicians for Human Rights and the NYU Bellevue Program for Survivors of Torture documents significant increases in depression and post-traumatic stress disorder when asylum-seekers are detained. We, therefore, strongly urge States to seek alternatives to detention, as recommended in the UNHCR Guidelines on Detention.

### **Education as a Tool for Protection**

Education, formal and non-formal, primary and secondary, must be recognised as an efficient and necessary form of protection and a core element of humanitarian response in emergency, early reconstruction, and post-conflict situations. Education is an effective means of conveying life-saving messages, assisting communities in establishing a sense of normalcy amidst upheaval, promoting reconstruction and sustainable development, and supporting community-based conflict resolution and peace-building. Education also helps to provide alternatives for children that might otherwise be recruited as child soldiers.



### **Conclusions Process**

The conclusions that ExCom adopts play a valuable role in improving refugee protection and assistance. It is important for us to stress that NGOs also play an important role in refugee protection and assistance and that this experience would be a valuable addition to the ExCom conclusions drafting process. After all, we are partners in the field and we would hope that that partnership would extend to the ExCom conclusions process. We hope that the review resulting from the UNHCR 2004 process will result in closer collaboration with NGOs on the ExCom conclusions.

### **Partnership**

Sharing of experiences and views on roles and responsibilities with regards to how NGOs can complement UNHCR's protection mandate will be essential in further improving our partnership. UNHCR and NGOs need each other to win the tough battles with several governments, who, as the DIP Director stated, do not practice what they preach with regards to upholding the rights of refugees. In this respect, we welcome the initiative of the Director of the Department of International Protection to strengthen the dialogue on protection with NGOs. We also welcome the initiative to develop a toolkit that, we hope, will also help operational NGO staff to better their protection capacities. We also welcome such initiative as they may narrow the gap between protection and assistance that NGOs have noticed on too many occasions in UNHCR's operations in the past.

### **Statelessness**

Another often invisible and forgotten group is the stateless. We were very pleased to see the acknowledgement of statelessness as an important issue that needs to be addressed in the Agenda for Protection (Goal 1, Objective 12) and encourage UNHCR and States to follow-up on their commitments under the Agenda. In particular, as a first step, we once again encourage States that have not already done so to respond to UNHCR's survey so that UNHCR can develop a clear understanding of the scope of the problem with an eye to crafting appropriate long-term solutions.

At the same time, we note with concern that only 55 States are party to the 1954 Convention relating to the Status of Stateless Persons and 27 are party to the 1961 Convention on the Reduction of Statelessness. Even among those that are parties, there is a distinct lack of adequate mechanisms to prevent and to solve cases of statelessness. We call on all States that are not yet parties to both Conventions to sign and ratify them as soon as possible, and to develop mechanisms at the national and international levels to resolve cases of statelessness and ensure access to effective nationality for all persons.

### **Migrant Workers**

Executive Committee discussions about the asylum-migration nexus have, appropriately, focussed on the need to ensure protection for asylum-seekers and refugees. In doing so, however, they have largely ignored the pressing issue of the protection of migrants. In this regard, NGOs welcome the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families on 1 July 2003. Migrant workers are one of the fastest growing and most vulnerable populations in many countries. The Migrant Workers Convention is extremely important because it, for the first time, codifies and elaborates international human rights law as it applies to this very vulnerable group of persons. We are disappointed by the low number of ratifications to date and call on all States that have not already done so, to accede to the Migrant Workers Convention as soon as possible.

*Thank you.*

## Annex X

### **PROGRAMME, ADMINISTRATIVE, AND FINANCIAL MATTERS**

#### **NGO SUBMISSION FACILITATED BY ICVA WITH INPUT FROM A WIDE VARIETY OF NGOS 2 October 2003**

*Mr. Chairman,*

One of the principal themes of the 2003 UNHCR-NGO Pre-ExCom consultations has been partnership.

NGOs welcome the High Commissioner's renewed emphasis on the value and role of partnership expressed in the IOM/FOM he has issued. We also welcome this opportunity to reiterate our conviction that partnership is a way of leveraging potential and resources to better meet the needs of affected populations. Partnership should be neither a short-cut nor a cut-price option. The IOM/FOM provides a good starting point for a more detailed discussion in both headquarters and the field of what partnership and burden-sharing should entail. We appreciate it as a critical further step in a process that is of paramount importance to us all, and to refugees most of all. We look forward to working with UNHCR in working out the details and mechanisms of how to ensure a consistent and inclusive approach to implementing it in all areas of operations.

We would like to share our concerns that the definition of partnership implied in the IOM/FOM suggests that it is based principally on the financial resources that a partner can bring to the table. We would like to stress that the capacity, competence, and experience of NGOs are also important indicators and ingredients of partnership. Although we recognise that many Northern NGOs are in a position to contribute some of their own resources from other sources to complement donor funding to UNHCR, it is important to recognise that smaller international NGOs and local and national NGOs, whose access to Northern networks and resources is already limited, would be severely and inappropriately penalised if the provision of own resources became a criteria for partnership.

The IOM/FOM does not overtly speak to the possibility of improved partnership opening up opportunities for enhanced advocacy to donors for adequate support. NGOs are prepared to play their role in this, and we exhort our UNHCR partners and the donors to play theirs. We can all agree that the greatest responsibility for funding this vital humanitarian work rests with governments, and we believe it is worth repeating that those whom funding gaps affect the most fundamentally are not UNHCR or the NGOs, but the refugees themselves.

We note and welcome warmly the efforts made in recent years by UNHCR to invest in building the capacity of local and national partner NGOs and agree that international NGOs should also increase their existing efforts in this area. We must all be vigilant not to waste that investment by limiting those organisations' access to the very funds that allow them to exercise and further develop that hard-earned capacity and experience. It is those organisations that should become the backbone of a standing capacity to respond to refugee issues in their areas of origin, and we hope we can agree that this is an objective towards which we should all be working in concert.

The shift towards needs-based budgeting and joint assessments and planning outlined in the IOM/FOM and UNHCR's commitment to develop a situation analysis tool are both supported and applauded by NGOs. We have long advocated for such a shift in order to be able to meet better the protection and assistance needs of refugees and we note that this approach chimes well with the positive steps being made by donor governments through the Good Donorship Initiative. A needs-

based budgeting process requires commitment and transparency on all sides and will undoubtedly increase the trust and equality in partnership. In light of the cost-efficiency for which the High Commissioner commends partners, we hope that this transparency will extend to recognising and supporting the reasonable operating costs of NGOs, especially including security costs.

In this spirit, focusing on maximum benefit to beneficiaries in a framework of cost-effectiveness and cost-efficiency, we also call on UNHCR to work with us in making better, and more creative, use of programme and logistical resources – a key facet of our joint efforts.

We were impressed by the efforts reported to us by UNHCR and its partners in Sierra Leone to inform refugees about expenditures on programmes of which they were the beneficiaries. Building on that, we hope that both we and UNHCR can improve our record in working with all key stakeholders, including the refugees themselves, not just in reviewing our performance as partners, but in planning, fundraising for, implementing, monitoring, and evaluating that performance. A crucial feature of this joint budgeting and programming process should be recognising and planning for the vital role that community services, and education in particular, play in protection and sustainable assistance for every refugee.

On the practical options for taking advantage of partnership relationships suggested by the High Commissioner, we welcome and support his consistent emphasis that standards must not drop even where the volume of services provided significantly rises. We emphasise again the existence of minimum standards and reaffirm our own commitment to achieving those and to supporting UNHCR to do the same.

The essential question remains, however, that a gap may still persist between available resources and those required to meet needs. Given that donors are currently unable to commit to fund the full requirements of resource-based budgets, and given that UNHCR's pilot exercises have shown that needs-based budgets will in fact be significantly higher than these, NGOs call on donors to make a new commitment to fully support the needs-based budgets which they themselves will be involved in developing. Approving UNHCR's budget also entails a responsibility to ensure that budget's full funding.

In conclusion, we call on ExCom and UNHCR to continue to work with us to develop further and implement improved strategies for partnership and to ensure that needs-based funding is appropriate and sufficient to support the needs of displaced people. This will enable NGOs and UNHCR to enhance protection and promote durable solutions that meet minimum standards for refugees and IDPs around the world.

*Thank you.*

## Annex XI

### OVERSIGHT ACTIVITIES

#### NGO SUBMISSION FACILITATED BY ICVA WITH INPUT FROM A WIDE VARIETY OF NGOS 2 October 2003

*Mr. Chairman,*

##### **Evaluation and Policy Analysis Unit (EPAU)**

We find EPAU to be one of the most progressive and responsive units within UNHCR. The commitment to transparency and inclusiveness displayed by EPAU are most welcome and will hopefully serve as an example to encourage other parts of the organisation. The easy access to the documentation produced by EPAU is particularly helpful and appreciated. The analysis and recommendations in the evaluations provide insights that allow us to evaluate our own work and make improvements. It is our fervent hope that UNHCR is committed to using and implementing the results of evaluations.

##### **Evaluations**

Turning to specific evaluations, we would suggest that the follow-up to the refugee self-reliance and livelihoods evaluation should take into consideration the aspect of burden-sharing and ensure that the concept of self-reliance is not used to shift responsibility for protection to the refugee population.

The global review of UNHCR's capacity to monitor the protection, rights, and well-being of refugees, initiated by EPAU, provides an ideal opportunity to look at UNHCR's ability to perform its mandate in cases of interception. We are concerned that interception often takes place at sea or in airport zones where UNHCR, NGOs, lawyers, and other observers do not have access. UNHCR's involvement in intercepted cases, both on land and at sea, are hopefully part of this global review. An area of particular concern is when intercepted persons are sent to countries that are not signatories to the Refugee Convention. Even better would be to undertake a separate evaluation on UNHCR's ability to carry out its mandate with respect to intercepted persons.

We hope that the review will also look at the monitoring ability of UNHCR with regard to cases of forced and coerced repatriation and of *refoulement*. We are concerned about reports of returnees being jailed, tortured, or even killed. The apparent lack of follow-up to cases of such returns must be rectified as these signify a failure of the international protection system.

Another area that EPAU should consider for future evaluations is UNHCR's work with internally displaced persons (IDPs) within the context of the collaborative approach. How has UNHCR's stated commitment to the collaborative approach been translated into action?

In line with UNHCR's evaluation policy, which calls for NGO participation in evaluations, we appreciate the desire to work more with NGOs. In those evaluations where NGOs have been involved, we have found the process to be inclusive and the voice of NGOs to be valued. The inputs have been of mutual benefit to both UNHCR and NGOs. We look forward to undertaking joint evaluations and having EPAU respond to our suggested evaluation topics.

### **Implementation of Guidelines**

A recurring issue throughout this year's Pre-EXCOM and EXCOM has been the lack of implementation of many excellent guidelines that UNHCR has produced. These guidelines are meant to contribute to the effective protection and assistance of refugees. We must find ways to ensure that these valuable guidelines do not just decorate our bookshelves. We would strongly support, and contribute to, the development of any implementation strategies for these guidelines. Too much important work has been done to be wasted.

### **Evaluations on Refugee Children, Refugee Women, and Community Services**

Stronger links between protection and assistance are particularly critical in protecting refugee children and refugee women from abuse and exploitation. NGOs have long called for a community-based approach in all programming and an approach that builds on the participation of beneficiaries, including children. Such an approach is dependent upon adequate levels of appropriately trained staff. As such, the decision to respond jointly to the three evaluations on refugee children, refugee women, and the community services function is welcome.

In order to ensure that these commitments are effective, any mainstreaming of the issues can only be successful when supported by adequate numbers of staff with expert knowledge. The need to monitor progress on these commitments is particularly important. We welcome the announcement made during Pre-EXCOM that an *ad hoc* steering committee will be established with UNHCR staff from various sectors, governments, and NGOs.

We hope that the development of a situation analysis tool will build on the existing one in Action for the Rights of Children (ARC), which has a community-based methodology, and that it will cover both protection and assistance in all UNHCR field-based programmes. The national and regional inter-agency child-protection coordination groups started through ARC need to be broadened further to include all relevant stakeholders. Such coordination groups should be mainstreamed throughout UNHCR. Further, we are interested in hearing more about how and when the five pilot countries testing multi-sectoral work in implementing the community development approach will be identified and start working.

### **Internal Audit**

The suggestions resulting from the internal audit in terms of producing guidelines for UNVs and consultants are welcome initiatives. We have often seen cases where UNVs and consultants could have performed better. The focus on improving the transparency of the selection process of hiring consultants should have positive results in terms of the work produced.

### **Inspector General's Office**

The work undertaken in terms of investigations by the Inspector General's Office in following-up on allegations of abuse and exploitation is greatly appreciated. The heightened level of engagement by the IGO with the organisation and with NGOs is also welcomed. We look forward to working more closely with the IGO in possibly developing a handbook on investigations for NGOs.

### **Implementation of Recommendations**

The plan to have the Inspector General's Office oversee the implementation of recommendations resulting from evaluations is a positive step forward. Too often, we have seen excellent recommendations being put forth in evaluations, but then see little implementation of those recommendations. Following-up on the findings and recommendations of evaluations should become a standard part of inspections.

We would also like to see inspections follow-up on the implementation of the directions in the recent IOM/FOM on “Better Meeting Needs of Refugees through Strengthened Collaboration with Operational Partners.” Many of the instructions in the IOM/FOM are good and we need to ensure that the recommendations are implemented throughout UNHCR’s operations.

*Thank you.*