

56TH SESSION OF THE EXECUTIVE COMMITTEE

Report on the Annual Consultations
with Non-Governmental Organizations

27 – 29 September 2005

Palais des Nations – Geneva, Switzerland



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Abstract

This report provides highlights of the Annual Consultations with NGOs, which this year brought together some 303 representatives of 183 national and international NGOs, UN, and international organizations from 76 countries. There was significant parity in the number of national and international NGOs – 81 and 97 respectively.

The Consultations were opened with a keynote address from Professor Gil Loescher, and featured nine Round-table Sessions and six Regional Sessions with the active involvement of some 77 resource persons from NGOs, academia, member states, and international and UN organizations. These Consultations also provided the space for six side-meetings organized by participating NGOs. To meet the different interests of the broad range of NGOs from around the world, the Consultations were based on three broad themes: New trends and issues in UNHCR-NGO partnerships; Guaranteeing the right to seek asylum; and Realizing refugee rights. The sessions addressed many of the complex issues at the core of refugee protection, as well as some of the long-standing issues faced in providing refugees with security, livelihoods and solutions. The round-table format encouraged throughout the Consultations promoted greater dialogue and contact among participants. The reports of each session were prepared by the moderators with the aim to capture the main points of discussion and any conclusions reached.

A round-table session was held in plenary on the last day to discuss applying the conclusion on Local Integration and cited examples of where local integration has worked successfully. This was followed by a 'linkage' session to promote more dialogue among NGOs, ExCom members and UNHCR, in which a summary wrap-up report was given by the Rapporteur of the NGO Consultations followed by a short intervention from the Rapporteur of the Executive Committee. The High Commissioner closed the Consultations.

Included in annex to this report are the Annual Consultations agenda, a list of participants, a list of side-meetings held during the Consultations, the guest speaker's keynote address, and the High Commissioner's opening statement and the NGO statements delivered to the 56th Session of ExCom. This full report may also be found on the web at www.unhcr.org and www.icva.ch.

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

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Table of Contents

ACKNOWLEDGEMENTS	4
INTRODUCTION	5
WELCOME TO 2005 ANNUAL CONSULTATIONS WITH NGOS	5
1. Nicholas Coussidis, Head, NGO Liaison Unit, UNHCR	5
2. Ed Schenkenberg, Co-ordinator, International Council of Voluntary Agencies	5
OPENING ADDRESS	6
3. Gil Loescher, Guest Speaker	6
REGIONAL SESSIONS	7
4. Africa Bureau	7
5. Central Asia, South West Asia, North Africa & the Middle East Bureau	8
6. Asia and the Pacific Bureau	9
7. Operations for the Sudan Situation	12
8. Europe Bureau	13
9. Americas Bureau	14
ROUND-TABLE SESSIONS	15
10. Participatory Assessment and Planning: Implementing the ideal	15
11. Access to fair and transparent asylum and RSD procedures	16
12. Realizing refugee rights	17
13. UNHCR's new role on IDPs: an historic breakthrough?	18
14. Detention – a last resort; not the only alternative	19
15. Food security and its link to refugee protection	20
16. From guidelines to practice: Addressing gender-based violence	22
17. Return of persons not in need of international protection	23
18. The strategic use of resettlement	23

PLENARY SESSION	25
19. Local integration	25
LINKAGE TO EXCOM	26
20. Summary wrap-up on the proceeding of the 2005 Annual Consultations with NGOs	26
CLOSING ADDRESS	27
21. António Guterres, UN High Commissioner for Refugees	27
ANNEXES	29
I. Programme of the Annual Consultations with Non-Governmental Organizations	29
II. List of Participants by Organization	29
III. Agenda of Side Meetings at the Annual Consultations with NGOs	29
IV. Keynote Address by Guest Speaker Professor Gil Loescher	29
V. Opening Statement by Mr. António Guterres, UN High Commissioner for Refugees	29
VI. Presentation of the Annual Consultations with NGOs by the NGO Rapporteur to the Executive Committee	29
VII. 56 th Session of ExCom – Statement of NGOs to the General Debate	29
VIII. 56 th Session of ExCom – Statement of NGOs on International Protection	29

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Introduction

UNHCR held its Annual Consultations with Non-Governmental Organizations in the week preceding the 56th Session of the Executive Committee to the High Commissioner's Programme, from 27 to 29 September 2005 in Geneva. This year's Annual Consultations with NGOs brought together some 303 participants representing 183 NGOs, international organizations and UN agencies from 76 countries. There were 156 males and 145 females, and 81 national NGOs and 97 international NGOs represented. This report provides a summary of the Annual Consultations' sessions. The statements made by NGOs and UNHCR's High Commissioner at the Executive Committee are also annexed to the report as well as the programme of side meetings and the keynote address of this year's guest speaker.

Welcome to 2005 Annual Consultations with NGOs

1. Nicholas Coussidis, Head, NGO Liaison Unit, UNHCR

Nicholas Coussidis welcomed the NGOs to the Consultations, noting the large turnout and particularly the increase in national NGOs present. He described the topics being covered by the regional and round-table sessions, as well as the side-meetings, to be wide ranging, yet focussed covering the burning issues in the UNHCR-NGO partnership and the concerns of the humanitarian family in general. He drew attention to the various items in the meeting package, particularly the NGO Profile in Brief booklet to facilitate networking and the CD-Rom containing statistics on trends in UNHCR partnerships since 1994. The booklet is available on the Our Partners segment of the UNHCR website at www.unhcr.org and the CD-Rom is available on request to the NGOUnit@unhcr.org.

He described the UNHCR-NGO partnership as moving towards a different level. While the practice of implementing partners continues to provide a framework for joint activities, the concept of partnership should be seen and defined in a wider and more concrete context. He gave some examples of NGO involvement in UNHCR processes (for example operational planning and revision of guidelines). UNHCR's engagement with internally displaced persons (IDPs) provides a further opportunity for establishing strategic partnerships to respond to this challenge. He stressed that partnership is a two way street and that NGOs should ensure that this symbiotic relationship is maintained both at headquarters and at the field level, where the real protection concerns are met. He concluded that a mutual respect of each other's mandates should move this partnership to a stage where joint advocacy and operational endeavours bring maximum results. He thanked his colleagues in the NGO Liaison Unit and ICVA for the hard work to organize these consultations.

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

Ed Schenkenberg also welcomed the NGOs to the Annual Consultations and looked forward to fruitful discussions in the coming days. He elaborated on the development of the agenda and that aiming to be as inclusive as possible is not an easy task. This year, in pursuit of this aim, three themes were introduced – New trends and issues in UNHCR-NGO partnerships; Guaranteeing the right to seek asylum; and Realizing refugee rights – under which topics for the round-table sessions were chosen. He hoped that this approach will be able to focus the discussion. The common denominator is that we all care about refugees and about the work of UNHCR.

He described the NGO involvement in the process this year to select the new High Commissioner for Refugees and the initiatives taken by ICVA to hear the candidates' views on issues of concern to NGOs. The initiatives were given good review and in fact helped pave a good working relationship between NGOs and High Commissioner Guterres. He elaborated on the UN reform on humanitarian response. The effectiveness of the response to IDPs has been one of the main problems of the international humanitarian system. UNHCR had policies that were not always

implemented. The fact that UNHCR is now fully committed to the IDP response is a major undertaking. UNHCR will no doubt look even more towards NGOs to assist the organization in this regard. With regard to UNHCR's Executive Committee, ICVA will be working closely with UNHCR and its ExCom in the coming year to expand the criteria for NGOs to participate in ExCom and its Standing Committee meetings as official Observers. Finally, he called on NGOs to provide their contributions to the drafting committees for the coordinated NGO statements at ExCom.

Opening Address

3. Gil Loescher, Guest Speaker

For the past 25 years Gil Loescher has been working on refugee and human rights issues and during most of that time UNHCR and NGOs have been a very important part of his professional life. Recognising the challenges confronting NGOs in today's environment, he focused on one of the most complex and difficult problems facing the international community today, that of "protracted refugee situations". Nearly two-thirds of refugees in the world today are trapped in these virtual states of limbo for an average length of stay of 17 years, up from an average of nine years in the early 1990s. The majority of these populations are found in some of the world's poorest and most unstable regions where their food, shelter and other social needs are often not met, and are most frequently the result of neglect and inaction by a range of actors.

The prolonged presence of refugees is caused by the failure of a range of peace and security actors to address the conflict or human rights violations in the country of origin and of donor government involvement with the host country. As a result of these failures, NGOs and UNHCR are left to compensate for these actors and to cope with caring for these forgotten populations and attempting to mitigate the negative implications of prolonged exile, such as the psychological impact that long periods of idleness, frustration and dependence have on refugees. He cautioned that discussions on protracted refugee situations will be limited in their impact as long as they remain exclusively within the humanitarian community and do not engage with the broader peace and security and development communities. Humanitarian programmes have to be underpinned by long-lasting political and security measures if they are to result in lasting solutions for refugees.

Drawing on important precedents, Mr Loescher highlighted how comprehensive solutions may effectively respond to the challenges of today's protracted refugee situations. While each approach used different combinations of the three durable solutions – repatriation, local integration and third country resettlement – they each represented concerted efforts on the part of a wide range of actors to address the particular needs of individual refugee situations. Increased external involvement in regions of refugee origin, comprehensive solutions to protracted refugee situations, and a more holistic approach to ensure effective refugee protection in the regions of refugee origin is not only the best way to meet the protection needs of refugees, but is also an effective way to respond to the concerns of host governments in the developing world and to address the concerns of Western states.

NGOs have a crucial role to play in the success of new approaches to protracted refugee situations. They must build on recent and other initiatives to make people aware of the shameful existence of so many of these situations around the world and to encourage governments and the international community to take a more principled, holistic and global approach to improving refugee protection by:

- promoting a better understanding of conditions in regions of refugee origin;
- developing greater solidarity between NGOs in the South and the North;
- establishing training programmes and independent monitoring mechanisms that involve host governments and their civil society; and
- promoting durable solutions, including programmes that address the needs of refugee communities and host societies.

He concluded with a note of encouragement by the fact that history contains repeated examples of hope, of resistance by organizations and individuals who have sought to achieve a more just and compassionate future. Protracted refugee situations have been successfully resolved in the past and can be done again in the future.

The full text of Gil Loescher's speech is at Annex III to this report.

Wendy Chamberlain, UNHCR's Deputy High Commissioner welcomed the NGOs to the Annual Consultations and warmly thanked Gil Loescher for his remarkable intervention. She described him as a great friend to UNHCR and one that knows the organization well. When she arrived at UNHCR as its Deputy High Commissioner, his book entitled "*The UNHCR and World Politics: A Perilous Path*" was her best introduction to the organization. She again welcomed everyone and wished all participants successful discussions during the next few days.

Regional Sessions

4. Africa Bureau

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

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

Oluseyi Bajulaiye, Deputy Director

Marie-Christine Bocoum, Deputy Director

Objective:

Review the progress in achieving durable solutions strategies, pursuing self-reliance and local integration, and the challenges and opportunities available.

Intervention(s):

The Director opened the meeting giving a brief overview of UNHCR's operations in Africa, and noted a decrease in refugees from 6.4 million in 1994 to 2.8 million in 2004. With regard to voluntary repatriation, he described how enhanced protection returnee monitoring and support to effective DDR process (Disarmament, Demobilization and Reintegration) contribute to ensure the sustainable return of refugees. Mr. Lambo stressed the need to bridge the gap between relief and development and highlighted how the double cap many NGOs have in humanitarian and development activities can help address the gap. He also emphasised the necessity to address the root causes of displacement, including poverty reduction, and the need to develop better preventive strategies to avoid tensions and refugee outflows. Mr. Lambo went on to describe UNHCR's role in IDP protection, which will require reinvigorating NGO partnerships. He spoke about early warning and long delays in donor response, leading to a decrease in financial resources and the negative impact that has on operations. He ended with a brief on highlighting:

- The progress made in the peace process has led to increased voluntary repatriation movements
- The support provided by UNHCR to create livelihood opportunities for refugees
- The comprehensive approach of the 4 Rs (Repatriation, Reintegration, Rehabilitation, and Reconstruction)
- The impact of self-reliance as a vital means to reduce dependency on humanitarian assistance and consolidating refugee protection mechanisms
- The contribution of refugees to the development of host communities
- The impact of the Africa leadership initiatives to tackle the post-conflict reconstruction issue in the continental peace and security context

Conclusion(s):

Main conclusions from the discussion included:

- Repatriation is the most preferred durable solution.
- The need to look at the root causes of displacement.
- The need to adopt interim solutions to protracted refugee situations before durable solutions.

- The need to reinforce the emergency response capacity to reduce delays in responding to emergencies.
- Resettlement remains an important durable solution to refugees' problems.
- Education is a tool for protection and empowerment. It should therefore be extended to include secondary education.

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

Moderator: Pia Oberoi, Amnesty International

Speaker(s): Ekber Menemencioglu, Director

joined by:

Ewen Macleod, Senior Policy Advisor, Afghanistan Comprehensive Solutions Unit

Ruvendrini Menikdiwela, Head of Desk, North Africa and the Middle East

Objective:

Structured around two themes, give NGOs and UNHCR an opportunity to interact on recent developments in the CASWANAME region:

- (1) **Protection:** the vital advocacy role of NGOs in the recent Central Asia crisis and the migration/asylum situation in North Africa and Yemen.
- (2) **Durable Solutions:** how assistance to Afghans in Pakistan could be reoriented to poverty alleviation interventions in refugee-affected areas and communities, both Afghan and Pakistani, what role could NGOs play?

Intervention(s):

The Director indicated that there have been changes in the protection scene but now there is shrinking asylum space. It is difficult to find protection and generosity especially since 9/11, thus making the search for durable solutions more difficult, particularly resettlement. An increase in rejected asylum seekers has been noted, such as asylum seekers from Iraq and Afghanistan are being sent back to their countries. The issue of asylum and tolerance has become part of the domestic politics of states, such as in Europe. The transport of human beings – trafficking – is very worrying. One positive step is seen in the partnerships with NGOs in advocacy, for example in Central Asia. The Director underlined his gratitude for this partnership.

With regard to the asylum-migration nexus, the Head of Desk indicated that UNHCR to date has not engaged in capacity building or advocacy in North Africa. UNHCR is not there to deter migratory flows into Europe; it is there to grant protection. It is necessary to use the media for a refugee awareness campaign on interception and rescue at sea. Yemen, for example, is used as a transit point for Somalis and others, and hundreds die in the process.

The Senior Policy Advisor emphasised that as a basic premise, protracted refugee situations are not resolved; they mutate. Refugees do not necessarily return at the end of a conflict. Afghanistan and its refugees need a long-term strategy because of the scale and complexity of the challenge. There is a need to look beyond humanitarian and refugee approaches, and there are no easy solutions.

Discussion:

The situation of Palestinian refugees and others in Lebanon is very inadequate. UNHCR is working with the authorities to implement at least a temporary protection regime. There is a hope for change following recent political developments there. NGOs will hold a side-meeting during the NGO consultations to coordinate work on protection of Palestinian refugees. Most countries in the Middle East do not respect temporary protection and this poses a problem. There is a need to protect ethnic and religious minorities in addressing the protection concerns of Iraqis from Northern Iraq.

UNHCR is not involved in a conspiracy with the EU to externalise its asylum policy. It is concerned about trafficking from North Africa to Europe. There is very little mobilisation of

refugees themselves to know their rights in North Africa. Vocational training is one way to help refugees be self-sufficient and give them dignity.

On the question of protracted refugee situations, local integration is politically sensitive, but there is a need for documentation and/or registration as well as for development.

Conclusion(s):

It is very important in the CASWANAME region for effective partnerships between refugee advocates, NGOs, refugees and UNHCR to be nurtured and consolidated. This will be one way to address the shrinking of asylum space that is a feature throughout the region, and beyond. Likewise, NGOs, including NGOs that work on development issues, must be consulted and included in recent comprehensive approaches to resolving protracted refugee situations in the region.

6. Asia and the Pacific Bureau

Moderator: Jeevan Thiagarajah, Consortium of Humanitarian Agencies, Sri Lanka

Speaker(s): Janet Lim, Director, UNHCR *joined by:*

Daisy Dell, Deputy Director

Catherine Huck, Head of Desk

Hasim Utkan, UNHCR Regional Representative in Thailand

Objective:

Discuss operational challenges and achievements with the Director of the Bureau, and examine opportunities for partnership with NGOs and UNHCR.

Intervention(s):

On effective protection, interventions focused on:

- Opening of humanitarian / asylum space in the region;
- Access/monitoring, dialogue with Governments of Viet Nam/Cambodia;
- UNHCR documentation in Malaysia in relation to Achenese;
- Provincial Admissions Board / national asylum system initiated in Thailand;
- Australia -loosening of detention arrangements;
- Papua New Guinea – birth certificates issued for refugee children.

Difficult challenges comprise:

- Bhutanese refugees in Nepal;
- Bangladesh - poor conditions for Rohingya refugees/protracted situation;
- Myanmar - status resolution for Rohingyas, reduction of access to the eastern border areas;
- North Korea – asylum-seekers in Chinese border areas, DPRK's decision to stop all humanitarian assistance in the country, and resulting potential future outflows.

Thematic issues included:

- Age, gender and diversity mainstreaming; inclusion in comprehensive needs assessments;
- Focus on sexual and gender based violence;
- Partnership with the NGO community.

Hasim Utkan spoke of:

- An inclusive cultural change seen through the NGO partnership process;
- Comprehensive needs assessments, investment in human capital, joint advocacy, revitalization of the protection working group in Thailand, creating a shared agenda and finding building blocks for collaboration.

Discussion:

In response to a question on the evolution of UNHCR/Government relations following the tsunami, the Director explained that UNHCR was involved in the tsunami response in an exceptional

capacity, as part of the UN Country team and in the face of a moral imperative to assist. The specific cases of Sri Lanka and Aceh were of particular importance to UNHCR as UNHCR was already present in both countries, with an overlap of populations affected by both conflict and natural disaster. In Aceh, UNHCR did not choose to go where there was already a humanitarian response – the Office channels assistance to areas where it has a comparative advantage. The Office’s experience as a protection agency was helpful in both of these situations, as there are strong parallels to its usual work in conflict areas – such as in humanitarian assistance, documentation, land issues etc. In Aceh, the Government’s concern, after the immediate humanitarian response, was that this was no longer UNHCR’s work, and its presence was becoming too sensitive. UNHCR argued that it needed to use the resources mobilized, and still had a useful role to play in providing technical support, and was able to re-establish presence after the signing of an MoU with the Indonesian Government. With the progress in the peace process and prospect of possible return, the Office will be able to gain a better understanding of the area, as it has never had a presence in Aceh. A main concern is in not diverting resources from UNHCR’s mandated population – in Sri Lanka, the Office will finish its involvement when it exhausts the funding provided, while continuing to push for equity between assistance to conflict and tsunami affected populations.

With regard to the NGO role in Thailand on advocacy, the 14 July Workshop with Civil Society (organized by UNHCR in Thailand) was mentioned as an excellent initiative to build advocacy on refugee self-reliance with a wide range of opinion makers.

On UNHCR’s position on the situation of southern Thais in Malaysia, the Director explained that there is a very sensitive situation in southern Thailand – UNHCR is following its standard practice in assessing the group and its needs. The Office is encouraged that the two governments are working with each other to resolve this situation. In the meantime, the group must be protected, and UNHCR is pleased that temporary stay has been granted. The aim is to calm the situation, rather than to inflame it. Hasim Utkan added that the Office is under a great deal of pressure, and had to make the point that UNHCR is carrying out its normal activities, not passing judgment on the situation; nor taking sides. It is important that governments understand that granting asylum is not a hostile act.

On relationship building in Thailand, NGOs agreed that there is an opening in the cooperation and collaboration between NGOs and UNHCR, which is being capitalized upon. NGOs and UNHCR have complementing interests and personalities.

With regard to UNHCR’s role with IDPs in Nepal, the Director stated that UNHCR is reaching an inter-agency agreement on the division of labour in IDP situations with UNHCR taking the cluster lead in Protection, Shelter and Camp Coordination. In Nepal, much will depend on the country-level UN Country Team (UNCT) led by the Humanitarian Coordinator; UNHCR’s role will be in “filling the gaps” and addressing the lack of predictability in IDP response. This is yet to be tested, and discussions are ongoing in using Nepal as a trial. The CAP process is underway, with UNHCR’s participation. OHCHR in the country already has capacity in protection/human rights, thus UNHCR’s intervention will most likely be complementary to theirs, under the umbrella of a collaborative approach.

In response to a question on resettlement in Thailand (particularly for the non-Burmese), Hasim Utkan responded that, until 2 years ago, resettlement was not an option, and the large resettlement programme from Tham Krabok marked a turning point. In 2006, Tham Hin will be closed, and the possibility of resettlement for some 2,000 people is being explored. As to the question of how people are selected for resettlement (as it is in the resettlement countries’ interest to hand-select refugees), UNHCR is discussing this now with NGO partners, sharing information on socio-economic profiles. This highlights the need for more training and investment in human capital for those in the camps.

On UNHCR's response to the Labour Union comments on the labour rights of refugees in Malaysia, the Director explained that the Representative in Malaysia is following up on this, reaching out to civil society and the Government at many levels. The agreement to allow refugees into the labour force is already a dramatic achievement. The next stage is advocacy for an improvement in increasing access to health and education. The point was made that UNHCR and Governments should better identify their mutual interests, seeing those areas that maximize the positive effects for refugees, such as, for example, addressing Malaysia's needs for foreign labour through allowing employment rights for refugees.

A suggestion was raised for a joint NGO/UNHCR advocacy strategy for Bhutanese refugees in Nepal. The Director acknowledged that this would be a good initiative and would be very welcomed. There are also influential Governments that could help in resolving this situation – for example, there was strong US/EU engagement last year that should be revived this year as well. It was recognized that UNHCR could do more to involve NGOs. The Office also feels that resettlement is a strong possibility for much of the camp population, and could open the door for other solutions.

With regard to defining UNHCR's focus on SGBV in Asia (inclusion of domestic violence, rape and trafficking), Catherine Huck responded that the reporting on SGBV includes domestic violence as well as rape and attempted rape. In fact, the majority of reported incidents are from domestic violence. The international community, however, must be careful in interpreting an increase in reported incidents, which may, in fact, indicate that the system functioning better. UNHCR has designed standard operating procedures to improve the mechanism to identifying victims in order to respond better to psycho-social problems. For example, in Malaysia, RSD includes the early identification of those affected by SGBV in order to respond appropriately, and encourage better reporting.

On UNHCR's advocacy against mandatory detention in Australia, Corinna Miguel-Quicho responded that, while UNHCR welcomes recent developments to soften Australia's tough policy on detention, the Office is still of the opinion that mandatory detention should be abolished. With regard to UNHCR's role in detention in Thailand and Malaysia, Hasim Utkan pointed out that there is a UNHCR staff member assigned to the Thai Immigration and Detention Center to conduct interviews before deportation. Most non-Burmese are released on bail. In Mae Sot (the main point of deportation to Myanmar), screening is held before departure, although the number has decreased after the recent regularization of labour migration. The Director mentioned that in Malaysia, UNHCR's advocacy has resulted in the successful release of over 900 people in detention since the recent crackdown. Catherine Huck added that a team of six visits each of the 9 immigration centres each week and there is a 24 hour hotline for immediate intervention.

In response to a question on the situation of non-Burmese in Thailand, particularly on psycho-social issues, Hasim Utkan agreed that there is a problem with finding resettlement places for the small number of non-Burmese refugees in Thailand, creating some frustration. He stressed that this is a difficult region for UNHCR, and the perception that asylum is a hostile act needs to be changed.

The final NGO speaker wished to highlight that, after her visits to the Thai-Burma border and in New Delhi, she found the UNHCR staff in both operations inspirational.

The facilitator concluded by highlighting the following three points:

- Balance of successes and challenges in the region;
- Targeted advocacy as a joint NGO/UNHCR objective.
- Opportunities for partnership; greater NGO contribution to partnership.

7. Operations for the Sudan Situation

Moderator: Gregory Brown, International Rescue Committee

Speaker(s): Jean-Marie Fakhouri, Director

joined by:

David Kapya, Deputy Director

Objective(s):

Discuss the operational challenges and achievements and future activities with the Director.

Intervention(s):

The Director highlighted the following points:

- While preparing for returns to south Sudan, there are still security concerns including the presence of the LRA.
- Recent security problems include a cross-border incursion to Goz Beida leaving 32 civilians dead, and an attack on a village in the north Central African Republic on 28 September 2005.
- The situation in Darfur is not improving and is turning into a protracted situation where large numbers will not return.
- The High Commissioner's recent visit concluded that there is a need to focus on the peace process in south Sudan and put pressure on all parties to the Darfur conflict.

Discussion:

The main discussion points focused on:

- Security: UNHCR's role and the role of the African Union; volatile operational environment for NGOs (national and international); vulnerability of women and girls in camps; the integration of the military with a civilian response; the desire for foreign troops in Darfur to help respond to the needs of IDPs.
- Protection: What is the mechanism for addressing protection in Sudan? UNHCR chairs the working group in west Darfur, whereas the working groups in north and south Darfur are chaired by OCHA. UNHCR in West Darfur is also able to follow-up with the Government of Sudan, unlike OCHA which has limited capacity. A new Director of Protection for UNMIS has been appointed from the NGOs.
- Root causes: There is a critical need to address the root causes – currently only addressing the symptoms.
- Assistance: There is a need to provide predictability in the humanitarian response to the Sudan. Better integration of national NGOs is necessary.
- Eastern Chad: The situation there is unsustainable. The operation is the most costly in the world due to the terrain and donors losing interest. It is necessary to engage other UN actors.
- South Sudan: Not ready for return to south Sudan. There are concerns about IDPs in Khartoum and the reception they will receive.
- Abuja talks: Even if agreement is reached, there is a need for demilitarization to ensure security.

Conclusion(s):

Dealing with the symptoms to the problem requires a solution from governments – this was considered as an overarching point in the Sudan/Chad operations. Other conclusions comprise:

1. Security:

- Security concerns overshadow all operations in Darfur, south Sudan, east and south Chad, and north Central African Republic fed by armed conflict, banditry, and general militarization.
- The role of the African Union and its interface with humanitarian actors and Government of Sudan forces.
- Operational concerns for all NGOs, especially national NGOs.
- Khartoum meeting should look at operational security concerns.

2. Coordination:

- Within the UN system in both Chad and the Sudan.
- Recognition of the importance of the role of national NGOs.

3. Return to south Sudan:
 - Conditions are at this stage not conducive to return.
 - Potential tensions between returnees and those that remained.
4. Women and girls in camps/settlements:
 - Women and girls are especially vulnerable, including to the risk of HIV/AIDS.
 - UNHCR coordinating with the African Union with respect to collection of firewood, as well as the use of special stoves and fuel. Women's centres and their linkages between groups are important.
5. Emerging problem in southern Chad/northern Central African Republic:
 - UNHCR has brokered a meeting during the first week of October 2005 with the Governments of Chad, Cameroon and Central African Republic. South Chad and the refugees may have been neglected. UNHCR needs US\$3 million to cover the needs of refugees from the Central African Republic in Chad.

8. Europe Bureau

Moderator: Ed Schenkenberg, International Council of Voluntary Agencies

Speaker(s): Pirkko Kourula, Director *joined by:*

Udo Janz, Deputy Director, South East Europe

Bo Schack, Acting Deputy Director, Western and Central Europe

Objective(s):

To discuss the potential for UNHCR and NGOs to share best practices and coordinate public advocacy strategies in view of the unprecedented challenges faced throughout Europe on asylum policies, practices, and public opinion.

Intervention(s):

The Director of the Europe Bureau opened the session requesting the participants to think collectively what we do together to change the current climate of restrictive asylum policies, bad practices, and negative public opinion towards refugees and asylum-seekers. While the numbers of refugees and asylum-seekers have gone down dramatically, the problems have increased. Highlighting examples of UNHCR-NGO collaboration, the Director referred, for example, to joint or coordinated public advocacy of UNHCR and NGOs in Spain.

Discussion:

Heeding the call for providing other good practices of UNHCR-NGO collaboration, one NGO from Hungary pointed to the work of her NGO to bring local Hungarians in contact with refugees and asylum-seekers also to help the latter group learn the Hungarian language. The European Council for Refugees and Exiles referred to its recent "way forward" paper, which UNHCR sees as a constructive contribution from the NGO community, to help European governments adopt better policies, in particular in the light of the current harmonisation efforts. There are huge discrepancies, however, between European countries in recognition rates of refugees from the same countries. In the UK, UNHCR officials have monitored the quality of status determination procedures in the Home Office. UNHCR agreed that this initiative might be replicated elsewhere, possibly with the involvement of NGOs.

Several participants noted the need for capacity-building of NGOs in countries that are on the borders of Europe. There is a risk, however, that too much effort in building capacities in these countries will unwittingly facilitate European governments' policies to shift the burden of receiving refugees and asylum-seekers to these countries. One initiative that NGOs may wish to consider is the concept of twinning, in which NGOs exchange experiences on their countries.

The return of (rejected) asylum-seekers is another sticking issue that UNHCR and NGOs need to address collectively. Progress, however, could perhaps be made with regards to developing a resettlement capacity in Europe. European NGOs, in this respect, could also exchange experiences with their US and Australian colleagues.

With regards to the situation in Italy, in particular in Lampedusa, UNHCR noted some positive developments in the sense that it will be able to establish a permanent presence of the island to monitor the situation. UNHCR noted that it is developing a policy on the Mediterranean basin, on which it will consult with NGOs.

Conclusion(s):

In conclusion, several good practices were noted in relation to UNHCR and NGOs working together, including in the field of public advocacy around new asylum laws, the sensitisation of the media, the lobbying of members of parliament, and the role of NGOs in cultural orientation and reception of asylum-seekers and refugees.

9. Americas Bureau

Moderator: Elisabeth Rasmusson, Norwegian Refugee Council

Speaker(s): Philippe Lavanchy, Director

joined by:

Xavier Creach, Executive Assistant to the Director

Manuel Jordao, Senior Protection Officer

Marta Juarez, Senior Resource Manager

Jozef Merckx, Senior Desk Officer, Desk II

Peter Wijninga, Senior Desk Officer, Desk I

Objective(s):

Discuss operational challenges and achievements in the Americas and review progress made with the implementation of the Mexico Plan of Action.

Intervention(s):

The Director described the Americas Bureau as a team, which is currently in the process of changes involving restructuring in the field and at headquarters. With regard to the Mexico Plan of Action, he highlighted that:

- It is an effort to broaden and coordinate the response to displacement;
- In numbers, it is bigger than previously thought; and
- Despite its success, more needs to be done especially with regard to obtaining funds.

In general terms, he indicated that:

- The High Commissioner will visit Brazil in November and the USA in December;
- There are concerns about violence in Haiti due to the elections;
- There are also concerns about detention in the USA;
- NGOs are important partners to UNHCR and it is necessary to nurture that relationship;
- There is a need for capacity-building in the Caribbean; and
- There is no political solution in Colombia, but a marked improvement in documentation and legal aid is noted.

Discussion:

NGOs praised the progress in cross-border initiatives and confirmed they will be working to implement the Mexico Plan of Action such as by means of an information centre in Quito, capacity building in Ecuador, and helping refugees to become independent. NGOs from Brazil are certain that the country can receive refugees. The new concepts in the Mexico Plan of Action should achieve positive results. We cannot forget the problem of local integration (health, education, and housing) due to poverty. In response, the Director confirmed the need to unite forces so that the response to the Mexico Plan of Action is uniformly applied. A meeting is being organized to exchange ideas about resettlement in the region.

NGOs were pleased that UNHCR has opened offices in the border areas of Colombia, which will hopefully deter the problem of cross-border recruitment into armed groups and the possible exclusion from resettlement for those supposedly associated with terrorism. With regard to the latter point, the Director confirmed that this must be done on a case-by-case basis and that we cannot generalize. Josef Merckx indicated that it is necessary to facilitate access to schools by

working closely with UNICEF, UNIFEM and FAO, and establish links with organizations across border to deal with Colombian children who have been forcibly recruited.

NGOs voiced concern at the lack of official information – there is a need to encourage people to speak out about recruitment. In Venezuela RSD is facing problems due to long delays in the process. In Colombia the government is strengthening the legal framework and working to end conflict through military means. There is a continued lack of security for resettlement. In response to a question on what can UNHCR do to stop forced returns, Josef Merckx explained that there are mixed results. UNHCR has its own criteria for return and if these are not met, the organization cannot support return.

Responding to a question regarding refoulement of children from the Dominican Republic, the Director acknowledged that UNHCR is aware of the problem. However, since most of these children are migrants, UNHCR wishes to work with other actors to ensure an effective intervention.

NGOs are pleased to hear that UNHCR is taking up detention in the USA and queried the possibilities for asylum for the detainees in Guantanamo Bay and the objections of the USA if they wish to apply for asylum in Canada. NGOs voiced concern about the welfare of Haitians in the USA and the about the removal legislation. There is a need for a broadening of the exclusion clauses (serious crimes) and access to healthcare in detention.

Conclusion(s):

The main points drawn from the session comprise:

- Issues with regard to Haitian refugees in the Dominican Republic;
- The issues in the USA are in line with UNHCR's concerns; and
- The Mexico Plan of Action shows an active engagement between NGOs and UNHCR, and there is a need to work together on fundraising.

Round-Table Sessions

10. Participatory Assessment and Planning: Implementing the ideal

Moderator: Diane Goodman, Women's Commission for Refugee Women & Children

Speaker(s): Christine Bloch, Jesuit Refugee Service

Fedde Groot, Programme Coordination & Operational Support Section, UNHCR

Sally Thompson, Thai Burma Border Consortium

Objective(s):

Consider the extent to which participatory planning is truly participatory, particularly with respect to including NGOs as true and equal partners and also with respect to meaningful and representative participation of persons of concern. Introduce UNHCR's participatory assessment tool as an integral part of UNHCR's programme planning cycle.

Intervention(s):

Participatory assessment is truly inclusive with all partners – NGOs, government, operational partners, and persons of concern – and essential for effective and innovative planning and hence, for effective operations. Lack of time and meaningful participation of refugees – women, men, boys and girls – are identified as gaps and participatory assessment is aimed at addressing this. Standards and indicators are powerful tools to measure the impact of operations. Participatory planning is possible even if the NGO is not an implementing partner. There is a need for the international community to support refugees to help ensure that they have the capacity, skills and resources to manage all aspects of their lives. Tools for participatory planning include joint comprehensive planning, developing joint (UNHCR/NGO) advocacy, and mapping of community-based organizations. Mapping the community in all its diversity – age, gender, ethnic groups, etc. – is critical.

Discussion and Conclusion(s):

It is acknowledged that difficulties in partnership between UNHCR and NGOs remain and often there is not a shared vision and objectives. Because they are funded by UNHCR, national and local NGOs feel the relationship is not one of true and equal partnership. Therefore, participatory assessment may also be a tool for enhancing UNHCR/NGO partnerships.

NGOs have great experience in working with communities and this needs to be better brought into the process. NGOs can particularly contribute with respect to local knowledge and culture, as well as how to ensure meaningful participation of children.

Gender and age issues are not fully addressed and there is a need to reflect on how to ensure effective representation at all levels. The introduction of the participatory needs assessment tool by UNHCR will hopefully address this deficiency in planning, but it is suggested that this will only work effectively if genuine and transparent partnership with NGO partners is sought; in other words, the process should be based on the capacity of many NGOs in community involvement.

11. Access to fair and transparent asylum and RSD procedures

Moderator: Eleanor Acer, Refugee Council USA and Human Rights First

Speaker(s): Jean-Paul Cavalieri, Protection Capacity Section, UNHCR
Giusy D'Alconzo, Amnesty International
Mark Hetfield, USCIRF Study on Asylum Seekers in the US
Michael Kagan, Fédération Internationale des Droits de l'Homme
Susin Park, Regional Bureau for Europe, UNHCR
Judy Wakahiu, Refugee Consortium of Kenya

Objective:

Discuss issues of access, fairness and transparency in individual asylum systems and learn about UNHCR's new refugee status determination (RSD) procedures

Intervention(s) and Discussion:

Two related issues were discussed: 1) UNHCR RSD procedures 2) access to territory and an effective opportunity to seek asylum

1) The new UNHCR RSD procedures were welcomed as an important step forward in terms of transparency because standards are not yet being met and it takes too long for RSD to be conducted and completed (e.g. 6-12 months in Kenya). In the meantime, asylum seekers can be harassed, detained, or deported. UNHCR staff shortages were noted by several speakers, as well as the problems of interpreters. Withholding of interview notes and evidence, lack of independent appeals and the ambiguity regarding legal aid were strongly voiced as concerns in RSD procedures. UNHCR stated security as one of the main factors preventing disclosure of the files and relative information. NGOs noted that many local groups may not have access to email and/or the ability to print out the manual. UNHCR will distribute the manual, thus providing an opportunity to comment on the RSD process.

2) With respect to access to asylum procedures, increasingly difficulties are being reported at the migration/asylum nexus, with respect to an effective opportunity to seek asylum. Various cases were noted, in particular Italy, which had been highlighted in the media. The Mediterranean region more generally has been drawing attention – and shortcomings may range from lack of any information on how to apply for asylum orally or in writing, lack of any counselling and interpreters, lack of trained officers. What appears to be increased reliance on detention also seems problematic in terms of access to asylum procedures. Even where the process has some safeguards, the practice may not follow (e.g. the US study on expedited removal whereby officers are not following procedures). Interventions focused on such shortcomings. Queries were also raised as to the UNHCR guidelines on Interception at Sea which had been announced some time already.

Conclusion(s):

NGOs urged UNHCR to:

- Plan other ways to distribute the RSD procedures so to seek comments;
- Stop withholding RSD files; and
- Publish the guidelines on Interception at Sea.

12. Realizing refugee rights

Moderator: Margaret Piper, Refugee Council of Australia

Speaker(s): Gregory Chen, U.S. Committee for Refugees and Immigrants
Pablo Mateu, Reintegration & Local Settlement Section, UNHCR

Objective(s):

Brief participants on the outcomes of the North-South civil society conference on refugee warehousing and enable further dialogue on joint initiatives to promote the protection of refugee rights.

Intervention(s):

Gregory Chen presented the major findings from the conference held on 25-26 September in Geneva. Refugees, NGOs, UNHCR and governments must take steps to ensure that refugees can exercise their full rights while they remain in exile and before durable solutions are identified. Many refugees have been living without rights for decades and cannot realistically hope for durable solutions in the foreseeable future. Accordingly, efforts must be made to grant rights in the interim while they are still refugees. Conditions in which refugees are able to exercise their rights also facilitate the achievement of durable solutions.

While the conference examined a host of country-specific cases and topics that spanned across regions, the conference participants spent most of the plenary sessions discussing methods and strategies that comprised building networks amongst NGOs; increasing civil society engagement; recognizing refugees' agencies and supporting their leadership and initiatives; building connections with host governments; building connections with donor governments; public education and awareness of refugee rights; training NGOs and refugees; focusing on rights for refugees living amongst hosts in rural and urban areas; examining the impact of warehousing on women; pursuing strategies to link development aid with refugee assistance; and pursuing self-reliance for refugees without compromising protection and support.

Pablo Mateu presented reflections on the conference from the perspective of UNHCR noting:

- How the conference clarified that anti-warehousing is not anti-camps but about the realization of refugees' rights;
- The importance of civil society engagement and linking up with other campaigns such as the Millennium Development Goals (MDGs);
- The importance of linking this campaign to poverty reduction strategies;
- The importance of NGOs and UNHCR co-operating in the achievement of shared objectives;
- The importance of drawing on past examples of innovative work; and
- The value of using human rights treaties in promoting and advocating for refugees' rights.

Discussion:

The following points were raised during the discussion:

- There is a need to address the root causes of refugee warehousing and thus the need to engage with a broader set of actors.
- UNHCR's plans to have input into the high level dialogue on migration and development in cooperation with other partners with expertise in this area, such as ILO and IOM.
- Concern about the term "warehousing" taking away from refugees as human beings with rights and needs.
- Some participants urged caution in associating with attempts by governments, with support from some international organizations such as IOM, to control population movements.

- Current approaches to refugee assistance encourage warehousing. In response, UNHCR acknowledged that in today's world it cannot continue to do business as usual and this is why, in its efforts to mainstream age, gender and diversity, the agency is conducting participatory assessments together with refugees, governments and NGOs. Also, there is now recognition of the necessity of working closely with development actors and helping them to understand refugee rights, e.g. the DAR and DLI approaches. Successful experiences which included an element of conditionality, e.g. CIREFCA, should be examined.
- UNHCR call to NGOs for assistance with a number of areas in which the organization is struggling, such as urban refugees and refugee youth employment.
- Importance of UNHCR-NGO dialogue – not just at conferences, but in an ongoing way. Reference was made to the effective UNHCR-NGO partnership that has been developed in Thailand.
- Importance of ensuring that all agencies working with refugees have a clear understanding of human rights instruments and their relevance to their work.
- Queried how the objectives of anti-warehousing campaign relate to local integration. Reference was made to the ExCom conclusion noting that local integration relates to granting permission to remain permanently, whereas the anti-warehousing campaign is promoting rights for those whose stay is expected to be temporary and where durable solutions are not available in the foreseeable future.

Conclusion(s):

UNHCR and NGOs cannot accept business as usual. It is necessary to find new collaborative ways of operating that can lead to the realization of refugee rights.

13. UNHCR's new role on IDPs: an historic breakthrough?

Moderator: Jens-Hagen Eschenbächer, Global IDP Project, Norwegian Refugee Council

Speaker(s): Vincent Cochetel, Department of International Protection, UNHCR
Manisha Thomas, International Council of Voluntary Agencies
Marc Vincent, Office for the Coordination of Humanitarian Affairs

Objective(s):

Focus on recent developments with regard to the ongoing humanitarian reform process and its expected repercussions on the international response to situations of internal displacement. UNHCR has agreed to take on lead responsibility for ensuring a predictable, timely and comprehensive response in three sectors particularly relevant for IDPs: protection, camp coordination and management, and emergency shelter. Explore the potential impact of this decision on UNHCR and its partners, as well as on the functioning of the international response to internal displacement.

Intervention(s):

Marc Vincent highlighted that the humanitarian reform process revealed gaps in response to IDP situations, particularly with regard to protection, shelter, camp coordination, and reintegration. This led to the decision to assign agencies with lead responsibility for different humanitarian sectors. Cluster lead responsibility means conducting a needs assessments; setting standards; monitoring implementation; advocacy; and building capacity. The responsible agency will not necessarily have to be in charge of implementation, but of ensuring an adequate response, and it will be agency of last resort. Implementation of the sectoral approach will begin in January 2006 in a few selected emergencies. The Humanitarian Coordinator system requires strengthening. The new approach will have resource implications and it is important to increase the volume of resources available.

Vincent Cochetel clarified that the cluster lead is not the agency lead. The commitment is global this time. Cluster leads are both the "first port of call" for Resident/Humanitarian Coordinators and providers of last resort. UNHCR sees IDP involvement as an opportunity rather than a constraint on refugee involvement.

Manisha Thomas highlighted the need for reform of the humanitarian coordinator system and outlined the challenges for UNHCR in implementing the new sectoral approach, which included:

- Need for operationalizing protection (staff, training, role of UNHCR representatives, relations with states)
- Working with partners;
- Dialogue with OHCHR;
- Clarifying criteria for non-involvement; and
- Ensuring accountability

Discussion:

Questions included:

- How to use the collaborative response with Palestinian IDPs?
- Importance of defining state responsibility. UNHCR must avoid discrimination in its response. There are no guarantees for conditions for return. What kind of activities can be done in the field of protection?
- Why wait until 2006 and where will implementation begin?
- What happens if the cluster lead has only a small presence? Who pays the bill?

In response UNHCR clarified that UNRWA is mandated to work in specific areas of Palestine. Agencies are waiting until 2006 to begin implementation of the inter-agency approach to clusters because they will not be ready before that. UNHCR is looking forward to the implementation of PROCAP and is also negotiating a Memorandum of Understanding (MOU) with OHCHR and ICRC and reviewing its MOU with UNICEF. With regards to ‘paying the bill’, it remains to be seen how the Extended Central Emergency Relief Fund (CERF) will work and what the donors will support.

OCHA explained that before there was a dependency on agencies to volunteer to do more. Now, however, the responsibility is global and the onus is on UNHCR to change attitude towards working with partners. The process will begin with a needs assessment. Member states must increase their support to UNHCR – both financially and politically. Part of the cluster responsibility is capacity-building, which includes developing the capacity of NGOs assisting in the protection response.

14. Detention – a last resort; not the only alternative

Moderator: Judy Wakahiu, Refugee Consortium of Kenya

Speaker(s): Eleanor Acer, Human Rights First
 Anna Gallagher, Jesuit Refugee Service
 Gráinne O’Hara, Protection Policy & Legal Advice Section, UNHCR

Objective:

Focus on alternatives to the detention of refugees, asylum-seekers and migrants, looking at studies that have been conducted into alternatives to detention and providing a space for discussion about the ethics and practicalities of these various alternatives. Present information on the development of a civil society network to challenge the routine use of administrative detention.

Intervention(s)/Discussion:

The following main issues and challenges were raised:

- UNHCR gave an overview of the 1999 Guidelines and their linkages to ExCom Conclusions on the same topic. The guidelines address a number of key issues, including a) Lawful authority and b) Principles of proportionality – reasonable and necessary. In addition UNHCR provided outline information on ongoing research into alternatives to detention.
- How can we respond to/counter the argument of States that detention is necessary to prevent asylum-seekers from absconding? Is detention being used as a deterrent and thus a migration management tool or a merely as a tool to prevent abscondance?

- Challenge related to terminology ‘alternatives to detention’ was raised since some alternatives seem to perpetuate detention and restrictions on the freedom of movement of persons who would otherwise have been released. The question of whether detention has now become the rule rather than the exception was raised. Challenge related to lack of information and statistics related to detention was also highlighted. The sensitivity/secretcy on the part of States related to such information was highlighted as a reason why the statistics are not available.
- The role of multinational organizations, e.g. IOM in detention and whether their holding of migrants amounts to detention was raised.
- The detention situation in the Lebanon (Iraqi refugees) was brought to the fore and the need for research and intervention by UNHCR was requested.
- Australia was cited as having improved its record on detention. Good practices, such as the opportunity for families with children to live in designated areas as well as situations where persons in detention are released to the custody of specific organizations for care and probation were cited as best practices.

Conclusion(s):

In conclusion, the session made the following recommendations:

- UNHCR to share more information on detention in its annual updates/reports. Information should be related to the observance of standards and guidelines, as well as country-specific statistics where available. Information on best practices on alternatives to detention should also be shared.
- UNHCR to initiate dialogue with multinational organizations, such as IOM, on detention and alternatives to detention and the respect of established guidelines.
- That Civil Society Organizations and UNHCR need to start a dialogue on detention and alternatives to the same. A Coalition on Detention has been formed and NGOs were encouraged to join the coalition as one way of building solidarity across the world and sharing information on detention situations.
- The role of advocacy in ending detention was also recommended. A good step towards this was ensuring that to a great extent where detention might be or is mandatory, human rights standards are observed.
- Participants were invited to the Coalition on Detention meeting on Thursday, 29 October, between 1400 and 1700 hours at ICMC.

15. Food security and its link to refugee protection

Moderator: Margaret Green-Rauenhorst, International Rescue Committee

Speaker(s): Anne Willem Bijleveld, Division of External Relations, UNHCR
 Claude Jibidar, World Food Programme
 Melanie Teff, Jesuit Refugee Service Rome

Objective:

Identify the response for food shortfalls and ways to address these problems. Look at what more can be done to prevent food pipeline breaks and focus on increasing self-sufficiency of refugees (the Zambia example).

Intervention(s):

Claude Jibidar made the following points:

- WFP recognizes its responsibility to consider the protection aspects of food assistance. The right to life is the right not to die of hunger.
- Aim for delivery of the right quantity and quality of food and appropriate timing. WFP is coordinating more closely with UNHCR, and joint assessment missions are increasing and improving.

- The donor impact is enormous. It is necessary to have confirmed obligations; in turn WFP can borrow against these. The host community is sometimes hostile, who may believe that refugees are benefiting from assistance they were meant to receive.
- The food basket is not always good, and food pipeline breaks can have serious impact to refugee's well being when they are entirely reliant on the basket. WFP sometimes trades or borrows from other programmes in order to address urgent needs.
- Due to limitations in the pipeline, prioritizing is required which can have a negative impact on voluntary repatriation and other types of programmes.
- Problems include the up to six-month lead-time between the request and delivery; cash contributions are preferred in order to purchase locally, but this is not always possible; referenced potential of abuse and exploitation and unsafe coping mechanisms; and distribution methodologies which are being reviewed and revised.
- There comes a time when distributing food must end, and other solutions should be found.

Anne Willem Bijlveld highlighted that the negative impact of insufficient or no food and non-food items can result in:

- Deteriorating nutrition;
- Refugees selling/exchanging food for soap, for example, when there are insufficient non-food items and vice versa;
- Refugees must pay for milling the grain;
- Increased domestic violence;
- Increased drop-out rates from school leading to children foraging for food;
- Increased security problems for the distribution teams; and
- Increased tension between refugees and the host community due to increase thefts of harvest from local fields.

UNHCR and WFP efforts to rectify the situation include:

- Joint field assessments and donor requests – coordination improves response;
- Joint press releases;
- Joint field-based strategies to minimize the damage caused by the pipeline break; and
- Creation of self-sufficiency programmes (e.g. in Zambia) where possible.

Melanie Teff explained that JRS conducted a survey of its workers that resulted in concerns similar to those cited by UNHCR:

- Shortages force people into exploitative work or selling their mosquito nets to buy food;
- Refugees are forced to break laws in order to seek work, which exposes them to arrest, detention and expulsion;
- Causes 'irregular' movement; and
- If there is no food left, how 'voluntary' is repatriation?

JRS recommended that: (a) NGOs need to guard against exploitation during distributions; (b) NGOs perceive reluctance on the part of UNHCR to maintain sufficient food when repatriation is possible; (c) NGOs also believe UNHCR's statistics do not reflect accurate cyclical movements; therefore the statistics for food are sometimes too low; (f) Close examination of the needs of the most vulnerable need to be undertaken.

Discussion:

The main points of discussion centred on:

- Increasing cooperation between UNHCR and WFP is resulting in joint assessments, planning and donor requests.
- The pilot self-sufficiency programme in Zambia whereby refugees are allowed to grow food has been positive, and should be replicated where possible.
- The donors must be more generous and flexible.

- NGOs must work with WFP and UNHCR to share details about food needs and the consequences of deprivation with donors at the national (embassy) and international level. The private sector must not be forgotten either.
- There comes a time to end food distribution. NGOs should recognize that repatriation can be very positive and reflects the choice of refugees.

Conclusion(s):

There is a good sense of what kind of protection problems derive from food shortages and why food shortages happen; therefore, NGOs, UNHCR and WFP must work harder at preventing this from happening through:

- Self-sufficiency programmes;
- Collective advocacy to persuade governments to agree (e.g. Uganda) to projects, and involve FAO where possible; and
- Flexibility from governments in the guise of cash and food.

It is also necessary to improve the way food needs are addressed, such as:

- Better distribution systems;
- Payment for the true cost of distribution;
- The provision of appropriate food;
- Reduced opportunities for abuse and exploitation; and
- Educating the donors.

16. From guidelines to practice: Addressing gender-based violence

Moderator: Darla Silva, InterAction

Speaker(s): Sonia Navani, International Rescue Committee
Kate Burns, UN Office for the Coordination of Humanitarian Affairs
Maeve Murphy, Women, Children & Community Development Section, UNHCR

Objective(s):

Look at the roles and responsibilities in addressing gender-based violence and highlight the complexities and realities involved in situations such as Darfur. Explore ways in which the United Nations agencies, NGOs, and governments can work together to better prevent and respond to violence against women, girls and vulnerable populations.

Intervention(s):

Maeve Murphy confirmed that 60% of the 2.5 million people affected in the Darfur conflict are women. Solutions are needed to improve the security situation. However, insufficient funding has hampered the response. NGOs are focused on prevention and UNHCR has tried to help the survivors. Challenges include funding, quality of staff, and security – maintaining the safety of staff and survivors of the conflict.

Using Sierra Leone as an example, Sonia Navani described IRC's three programmes. Each programme has three stages and it receives 80 new clients per month, of which 80% are less than 16. IRC is using data to inform advocacy activities and promote changes in local laws and policy.

Kate Burns states that gender equality is a goal of OCHA. The first UNHCR guidelines on gender-based violence were issued in 1995 and were revised in 2001. In late 2005, the IASC will launch new guidelines and fact sheets that state the minimum activities and involves all sectors, including health, legal, shelter, environmental, and will be available in Spanish, French and Arabic. The "Stop Women in War Campaign" will be launched in 2006.

17. Return of persons not in need of international protection

Moderator: Trees Wijn-Maatman, Dutch Council for Refugees

Speaker(s): Guy Edmunds, Danish Refugee Council (Kosovo)
Wei-Meng Lim-Kabaa, Protection Policy & Legal Advice Section, UNHCR
Dorte Smed, Danish Refugee Council

Objective(s):

Share experiences and views among UNHCR and NGOs in regard to issues concerning the return of persons not in need of international protection with a view toward developing more collaborative approaches to the relevant issues on this subject.

Intervention(s):

Speakers highlighted the various challenges in addressing the issue in host and receiving countries. UNHCR focused primarily on the definition of who are persons not in need of international protection and therefore could be returned, as well as on the dilemmas faced in being involved with such persons given limitations of mandate. The NGOs focus was on possible programmes which may be implemented to facilitate the voluntary nature of the returns of such persons as well as to support their reintegration upon return.

Discussion:

Through the discussions, there emerged a number of key dilemmas. As regards individuals who have been adjudicated as having no protection needs, their return is problematic given that such persons may have remained in the host country for a long time with family and other links already established. Their forced return may thus raise serious human rights issues. Additionally, should rejected asylum seekers not be returned quickly, this may lead to their moving on to file asylum claims elsewhere. Another key issue concerns persons who are stateless since their return is highly problematic.

NGOs also express the dilemmas of case workers in providing counselling to rejected asylum seekers since the same case workers would have provided assistance to such persons in their claims for refugee status. Discussions also centred on the methodologies of inducing voluntary return, including through incentives. There were also discussions as regards the role NGOs could play in the country of origin after return and whether UNHCR could provide support, in particular if the individuals return to a situation of displacement.

Conclusion(s):

It was generally agreed that the return of persons not in need of international protection is an important political issue and underpins the integrity of asylum systems. While emphasising the need for successful returns of such persons, it was also stressed that the respect of human rights is important, both in the host countries as well as upon return. There was a need to further discuss the issue in other forum.

18. The strategic use of resettlement

Moderator: Elizabeth McWeeny, Canadian Council for Refugees

Speaker(s): Peer Baneke, European Council for Refugees and Exiles
Eva Demant, Resettlement Section, UNHCR
Mark Hetfield, Refugee Council USA

Objective(s):

Provide the opportunity for experts to share lessons learned and best practices that will inform recommendations for effectively implementing the principles upon which the need for resettlement is based.

Intervention(s):

Mark Hetfield said that the chapter on Group Processing in UNHCR's Handbook on Resettlement describes a process that is labour intensive. Resettlement should be used in response to protracted refugee situations. UNHCR does not have the capacity to make a large number of individual

referrals for resettlement, but is able to resettle more persons by undertaking group processing. Resettlement should also be used for strategic reasons. The USA has used resettlement strategically in various experiences.

Peer Baneke explained that ECRE has published proposals advocating for the implementation of a resettlement programme EU-wide and how this can be implemented. European countries should take a fairer number of resettled refugees and therefore build capacity to have a greater strategic impact. ECRE will work to build a clearer vision on resettlement. The European Commission has recently released its plan to implement and pilot resettlement programmes, which will be followed by an evaluation. Some European countries have already resettlement programmes and others are considering how to proceed. He cautions that the EU promotion of resettlement should not license other countries to decrease their commitment. Resettled refugees must have durable status and not a continuous temporary one. Resettlement should not undermine the right to seek and enjoy asylum by spontaneous arrivals.

Eva Demant said that UNHCR has used resettlement strategically before the recent formalization as now described. She summarized the discussions that have brought a more formal approach making reference to Goal 3 in the Agenda for Protection. There was a parallel initiative to develop a group processing methodology, which is a useful tool in the implementation of the strategic use of resettlement. She mentioned the multi-lateral framework of understandings on resettlement developed under Convention Plus, which spells out the basic principles and best practices relating to resettlement. In the last years, activities were expanded to strengthen resettlement within UNHCR. The next meeting of the Working Group on Resettlement will discuss a specific application of the strategic use of resettlement.

Discussion:

Participants raised concern about two trends: 1) resettlement as a temporary solution, and 2) integration potential for considerations in selection. Resettlement provides relief to the refugees but may excuse the host country from providing protection/durable solutions. There is an interest in Latin America to use resettlement to address the needs of spontaneous arrivals. The Colombians travel through other countries where they are threatened by Colombian factions. There is a need to consider the expectations of refugee populations hoping to be resettled and there is a need for clearer information on resettlement. It is necessary to use a comprehensive approach that includes a clear planning process, as well as political backing. The UNHCR Representative in Thailand spoke about resettlement activities there with urban populations and refugees in protracted situations. It required continuous dialogue and collaboration with the Thai government; however the successful outcomes are now prompting more activities.

Recommendations:

- The critical mass should be 50 families when choosing resettlement to a country without a receiving population.
- Work together to encourage European countries not to use resettlement as a temporary status but as a permanent solution.
- States should share information with new and emerging resettlement countries on best practices, good practices, and lessons learned because they relate to the processes in host countries as well as with respect to integration in resettlement countries.
- Ensure refugees have clear information on resettlement initiatives in order to avoid unrealistic expectations and hardship as a result of misinformation.
- Strategic resettlement should be part of a comprehensive plan that also includes other durable solutions for refugees not resettled.

Plenary Session

19. Local integration

Moderator: Manisha Thomas, International Council of Voluntary Agencies

Speaker(s): Erika Feller, Department of International Protection, UNHCR
Lee Anne de la Hunt, Ministry of Home Affairs, South Africa
Oswald Kasaizi, Relief to Development Society, Tanzania

Objective(s):

Applying the conclusion on Local Integration and examples of where local integration has worked successfully.

Intervention(s):

Oswald Kasaizi emphasised that local integration should not be forgotten as a durable solution; it should be mainstreamed from the beginning. The local integration of Somali refugees (who arrived in Tanzania in 1992) was facilitated by their similar cultural background with the local population. REDESO worked hard to create a sense of community between the refugees and the host population. There are challenges to local integration: for example not all refugee-hosting areas can support it, which requires a careful assessment of the area's stability and security; and it is difficult to ascertain refugees' thinking of local integration and when it should be considered a viable solution. On the other hand, the benefits of local integration include a homeland for refugees whose prospect of a dignified return is not forthcoming; the local population benefiting because refugees have proven to be economically viable and innovative; and increased productivity in an area that has a sparse population, which can be important for the country.

Lee Anne de la Hunt explained that refugees in South Africa have freedom of movement. Local integration is included in the Refugee Act, which was passed in 1998, but only implemented in 2000. A number of rights have been conferred on refugees, but it is difficult to use them towards self-reliance because of the practical challenges of access to asylum procedures and the backlog. The courts define rights and local integration in the absence of adequate definitions from the government. The Minister of Home Affairs is not in favour of refugee camps because it is difficult to move away from them.

Erika Feller stated that the concept of integration is relevant to all three durable solutions. Integration potential should not, however, be considered as a precondition for refugees' access to solutions. She emphasised the significance of the Conclusion on Local Integration, pointing to the fact that it will be the first time that States have been able to put aside divisive political debates and agree on principles and good practices to facilitate local integration solutions. While local integration is not a formal obligation in all situations, this Conclusion can make a difference by guiding States in their consideration of whether local integration may be an appropriate durable solution for persons accepted as refugees in their territory, and in the implementation of this solution. The Conclusion offers guidance on how to place local integration within comprehensive durable solutions strategies, and how to promote its legal, economic, and social and cultural dimensions. Both UNHCR and NGOs have important roles to play in promoting its use and implementation.

Feller further remarked that, from a UNHCR perspective, the Conclusion is not perfect in that it falls short of committing States to promote local integration solutions. The result is, however, a milestone expression of consensus on a topic which few States were even willing to talk about a few years back. UNHCR aims to complement this outcome by proposing that self-reliance standards and strategies are elaborated in a future Executive Committee conclusion.

Discussion:

Self-reliance should be embarked on from the beginning of a refugee's arrival in order to avoid dependence. The language on self-reliance proposed by NGOs was rejected by a number of states who were not ready to acknowledge that self-reliance can and should be pursued if local integration is not an option. States were not willing to accept de-linking because they also felt it

would serve as a disincentive to voluntary repatriation. There is a dilemma of whether to provide education in-line with the host country curriculum or that of the country of origin; UNHCR usually applies the country of origin curriculum, but it is something to look at in the context of the development of benchmarks.

Conclusion(s):

- UNHCR is compiling a catalogue of good practices – a tool to which NGOs can contribute – and will define benchmarks to measure the impact of good practice.
- UNHCR and partners need to identify pilot groups to promote the implementation of good practice.
- It is up to UNHCR, States and NGOs to implement the conclusion on local integration.

Linkage to ExCom

20. Summary wrap-up on the proceeding of the 2005 Annual Consultations with NGOs

Moderator: Nicholas Coussidis, NGO Liaison Unit, UNHCR

Speaker(s): Ann Blomberg, Permanent Mission of Sweden & Rapporteur for the ExCom Bureau
Jemilah Mahmood, MERCY Malaysia & Rapporteur for the Annual Consultations with NGOs

Jemilah Mahmood summarised the proceedings of the Annual Consultations with NGOs and presented the deliberations within the three key themes.

New trends and issues in UNHCR and NGO partnerships

- The session on participatory assessment and planning acknowledged that difficulties in the UNHCR-NGO partnership remain and identified a lack of shared vision and objectives and one of the root causes. Participatory planning can be a tool to enhance the partnership with shared responsibilities and a focus on the beneficiaries. It must be recognised that national NGOs bring great experience and value to the partnership and should be given a platform to voice their concerns through constructive dialogue.
- NGOs unanimously welcomed UNHCR's role in the protection of IDPs. NGOs also recognised the need for UNHCR to address a number of issues as it takes on its role as the cluster lead. How will UNHCR remain accountable and what mechanisms are in place to ensure this? NGOs may have a role to play in this regard. UNHCR will need to rely on its NGO partners, and should do so at all levels – internationally and nationally.
- Guidelines and tools on sexual and gender-based violence are important and useful but the local context may not always conventional guidelines to be adopted. All stakeholders should be innovative and their approach and best practices should be documented.

Guaranteeing the right to seek asylum

- NGOs welcomed the new refugee status determination (RSD) guidelines as a move to encourage transparency; however, problems in varying standards of application still prevail in some countries. UNHCR has a shortage of staff proficient in RSD, which leads to problems in interpreting the procedure accurately. Guidelines on interception are also overdue from UNHCR.
- In the session on detention, NGOs raised concerns with the justification of states that asylum seekers abscond if not detained. UNHCR should share more information on detention in its annual reports, such as the observance of standards and guidelines, country-specific statistics, and best practices on alternatives to detention. NGOs were encouraged to join the Coalition on Detention as a way of building solidarity and advocacy on detention issues.
- With regard to the return of persons not in need of international protection, NGOs called on UNHCR to involve them in its discussions with states in order to ensure readmission agreements and return programmes are carried out with respect to human rights.

Realising refugee rights

- The campaign on refugee warehousing raised issues of importance on refugee rights, but participation and opinions are still very Northern biased. It is very important that all NGOs working with refugees understand the human rights' frameworks and instruments and the relevance they have to their work. Self-reliance should be encouraged as early as possible and the rejection of self-reliance by a number of states should be addressed.
- Resettlement is recognised as one response to protracted refugee situations. Strategic resettlement should be part of a comprehensive plan that includes durable solutions for refugees not being resettled. Refugees must have accurate information on resettlement initiatives in order to avoid or manage unrealistic expectations. Resettlement should focus on vulnerable persons and not just those with the market skills. Resettlement states should share lessons learned and good practices with emerging resettlement countries.
- The session on food security and its link to refugee protection discussed the need for more accurate information to reduce gaps in the provision of aid, including an improvement in coordination among UN agencies (UNHCR, WFP and FAO) and NGOs. Donors should be educated on the need for funding for emergency preparedness for food situations, which could result in crises and risking the vulnerability of communities to exploitation. Sensitivity to the local culture and the need for non-food items for food preparation is essential.

Ann Blomberg thanked Ms Mahmood for her summary of the Annual Consultations and remarked that states do not attend the NGO consultations as much as they would like. She encouraged states to engage more with NGOs. She also highlighted that as Observers to UNHCR's Executive Committee, NGOs have actively contributed to the drafting of the ExCom Conclusions this year.

Jemilah Mahmood, formally briefed member States during ExCom on Thursday afternoon, 6 October in her capacity as the Rapporteur of the Annual Consultations with NGOs. The text is at Annex VI. The NGOs also made several formal statements to ExCom, which are annexed to this report.

Closing Address

21. António Guterres, UN High Commissioner for Refugees

Nicholas Coussidis introduced the High Commissioner and welcomed him to the Annual Consultations with NGOs.

The High Commissioner was pleased to be able to meet with such a large number of NGOs and emphasised the need for a more strategic partnership between the NGOs and UNHCR. He highlighted three major concerns for UNHCR today:

- The rising intolerance in modern societies of people who are from elsewhere and who are different. Irrationality has created a negative environment. Refugees as terrorists is a ridiculous illusion – the last thing a terrorist would do is seek asylum. There is a need to engage in a campaign against populism and create a more favourable environment.
- The rising existence of mixed flows of migration is making it difficult to preserve access to asylum. We must ensure the space for access to asylum and to adequate refugee status determination, and, where necessary, build capacity so that the process is effective.
- The international community is unable to address the gap between relief and development. It is necessary for us to focus our collaboration to ensure the gap is bridged. The absence of a transition from short- to long-term assistance is a threat to the sustainability of any durable solution.

To overcome these challenges, the High Commissioner addressed two strategic questions:

- UNHCR's identity: make clear to all members and partners that there is a need to strengthen UNHCR's identity as a protection agency. All actions undertaken by UNCR must be protection minded, all staff must consider themselves as protection agents, and all priorities must be protection oriented. Structural adjustments will also help to re-focus UNHCR's identity as well as bridge the gap between the field and Headquarters.
- UNHCR must be predictably and effectively engaged in addressing the needs of internally displaced persons (IDPs) with NGOs and the Red Cross societies. When facing new IDP emergencies, UNHCR will have a cluster lead role in camp coordination, shelter and protection. This is not a 'pick and choose' approach, but one where UNHCR is consistently engaged with IDPs. Other agencies may be asked to assist in cases where there could be a conflict between refugee protection and IDP protection - UNHCR can not put its refugee protection mandate at stake.

The High Commissioner outlined several priorities for UNHCR:

- Advocacy: NGOs and UNHCR must have an active attitude and advocate for an upgrading of protection capacity in the developing world.
- Mainstreaming the effective implementation of policies, guidelines and actions: These include gender, age and diversity. A lack of food for refugees leads to other complications therefore efforts must be made to eradicate malnutrition, as well as to increase the capacity to fight HIV/AIDS and other health risks.
- UNHCR's internal capacities: There is a necessity for UNHCR to increase its own capacities. Protection is a priority area as well as our ability and capacity in emergency response.
- UNHCR's structure: UNHCR needs a workforce management strategy to address both organizational efficiency and the fulfilment and welfare of staff members. This goes hand-in-hand with the simplification of reporting mechanisms and budgetary and financial regulations. The latter regulations may not be so easy to tackle as it would involve not just UNHCR, but the UN. There is also a need to mobilize a system of corporate identification and branding and a fundraising strategy.
- Convention Plus: Convention Plus will be mainstreamed. Rather than be treated as separate entities within UNHCR, durable solutions will be linked to assistance and development and will be integrated to a single department. Solutions provide a way to deliver effective refugee protection.

NGOs asked questions on protracted refugee situations, UNHCR's role in IDP situations, the new position of Assistant High Commissioner for Protection, resettlement, participatory planning, and strategic partnership.

The Opening Statement of the High Commissioner at the 56th Session of ExCom is annexed to this report.

Annexes

- I. Programme of the Annual Consultations with Non-Governmental Organizations**
- II. List of Participants by Organization**
- III. Agenda of Side Meetings at the Annual Consultations with NGOs**
- IV. Keynote Address by Guest Speaker Professor Gil Loescher**
- V. Opening Statement by Mr. António Guterres, UN High Commissioner for Refugees**
- VI. Presentation of the Annual Consultations with NGOs by the NGO Rapporteur to the Executive Committee**
- VII. 56th Session of ExCom – Statement of NGOs to the General Debate**
- VIII. 56th Session of ExCom – Statement of NGOs on International Protection**

ANNEX I

**PROGRAMME OF THE
ANNUAL CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS
27 – 29 September 2005
Palais des Nations, Geneva, Switzerland**

Tuesday, 27 September 2005

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

Room XVII Welcome from

Nicholas Coussidis, Head, NGO Liaison Unit, UNHCR
Ed Schenkenberg, Coordinator, International Council of Voluntary Agencies

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

Room XVII Guest Speaker

Gil Loescher

16h30 – 18h00 Regional Sessions

Room XXI Africa Bureau

(Interpretation: Arabic-English-French-Spanish)

The regional session will focus on the implementation of durable solutions in the sub-Saharan African operations, and tackle in particular protection concerns. An overview on durable solutions in the various African sub-regions will be presented by the Africa Bureau Director.

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

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

Oluseyi Bajulaiye, Deputy Director

Marie-Christine Bocoum, Deputy Director

Room XXV Central Asia, South West Asia, North Africa & the Middle East Bureau

(Interpretation: Arabic-English-French-Russian-Spanish)

The session will be structured around two themes to give NGOs and UNHCR an opportunity to interact on recent developments in the CASWANAME region, as well as other issues delegates may wish to raise within the themes.

(1) **Protection:** the vital advocacy role of NGOs in the recent Central Asia crisis and the migration/asylum situation in North Africa and Yemen.

(2) **Durable Solutions:** how assistance to Afghans in Pakistan could be reoriented to poverty alleviation interventions in refugee-affected areas and communities, both Afghan and Pakistani, what role could NGOs play?

Moderator: Pia Oberoi, Amnesty International

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

Ewen Macleod, Senior Policy Advisor, Afghanistan Comprehensive Solutions Unit

Ruvendrini Menikdiwela, Head of Desk, North Africa & the Middle East

Room XXVII Asia and the Pacific Bureau

(Interpretation: English-French-Spanish)

Discuss operational challenges and achievements with the Director of the Bureau.

Moderator: Jeevan Thiagarajah, Consortium of Humanitarian Agencies

Speaker(s): Janet Lim, Director *joined by:*

Room XXV ***Access to fair and transparent asylum and refugee status determination procedures***
 Taking a comparative approach, UNHCR, NGO, and research experts will engage attendees in discussing issues of access, fairness and transparency in individual asylum systems as well as the new UNHCR Refugee Status Determination (RSD) Procedures.

Moderator: Eleanor Acer, Refugee Council USA and Human Rights First
 Speaker(s): Jean-Paul Cavalieri, Protection Capacity Section, UNHCR
 Giusy D'Alconzo, Amnesty International
 Mark Hetfield, USCIRF Study on Asylum Seekers in the U.S.
 Michael Kagan, Fédération Internationale des Droits de l'Homme
 Susin Park, Regional Bureau for Europe, UNHCR
 Judy Wakahiu, Refugee Consortium of Kenya

Room XXVII ***Realizing Refugee Rights***
 At a two-day conference taking place immediately before the Annual Consultations, more than 150 NGOs will convene to develop ideas and strategies to enable refugees to "realize" their rights. This session will report on the recommendations formulated at the NGO conference - "North South Civil Society Conference on Refugee Warehousing" - and seek further input from UNHCR participants and NGOs on how to address the deprivation of rights to refugees. Designed to give maximum opportunity for the audience to participate, the session will begin with a presentation by an NGO representative from the conference, receive comments from the UNHCR speaker and moderator, and quickly move toward open discussion. Come ready to discuss joint advocacy approaches, UNHCR and NGO initiatives such as Targeted Development Assistance, and strategies for working with host and donor governments. The session will focus on refugees' rights to basic livelihoods including the rights to work, run businesses, own property, and freedom of movement.

Moderator: Margaret Piper, Refugee Council of Australia
 Speaker(s): Gregory Chen, U.S. Committee for Refugees and Immigrants
 Pablo Mateu, Reintegration Local Settlement Section, UNHCR

13h00 – 15h00 ***Lunch***

15h00 – 16h20 **Round-table Sessions** (Interpretation: English-French-Spanish)

Room XXI ***UNHCR's new role on IDPs: an historic breakthrough?***
 The session will focus on recent developments with regard to the ongoing humanitarian reform process and its expected repercussions on the international response to situations of internal displacement. UNHCR has agreed to take on lead responsibility for ensuring a predictable, timely and comprehensive response in three sectors particularly relevant for IDPs: protection, camp coordination and management, and emergency shelter. The session will explore the potential impact of this decision on UNHCR and its partners, as well as on the functioning of the international response to internal displacement.

Moderator: Jens-Hagen Eschenbächer, Norwegian Refugee Council Global IDP Project
 Speaker(s): Vincent Cochetel, Department of International Protection, UNHCR
 Manisha Thomas, International Council of Voluntary Agencies
 Marc Vincent, Internal Displacement Division, OCHA

Room XXV ***Detention - a last resort, not the only alternative***
 This session will focus on alternatives to the detention of refugees, asylum-seekers and migrants, looking at studies that have been conducted into alternatives to detention and providing a space for discussion about the ethics and practicalities of these various alternatives. Information about the development of a civil society network to challenge the routine use of administrative detention will be presented.

Moderator: Judy Wakahiu, Refugee Consortium of Kenya
 Speaker(s): Eleanor Acer, Human Rights First
 Anna Gallagher, Jesuit Refugee Service
 Gráinne O'Hara, Protection Policy & Legal Advice Section, UNHCR

Room XXVII *Food security and its link to refugee protection*

Global demands for food aid have had a significant impact on refugee populations as breaks in the food pipeline and reductions in food rations have become more and more frequent, particularly in Africa. This has critical implications for refugee protection as food scarcity can lead to exploitation of vulnerable populations, rising tensions in refugee camps and can affect voluntary repatriation efforts. This session will examine steps that are being taken to address this critical issue and look at what more can be done to prevent food pipeline breaks and to better secure the resources necessary to meet refugee food needs.

Moderator: Margaret Green, International Rescue Committee
 Speaker(s): Anne Willem Bijleveld, Division of External Relations, UNHCR
 Claude Jibidar, World Food Programme
 Melanie Teff, Jesuit Refugee Service

16h30 – 18h00 Round-table Sessions (Interpretation: English-French-Spanish)

Room XXI *From guidelines to practice: Addressing gender-based violence*

Preventing and responding to gender-based violence (GBV) in settings of conflict and displacement is one of the most immediate challenges confronting the international community today. While important collaborative efforts are currently underway, there is still much to be done to improve the situation on the ground. This session will look at the roles and responsibilities in addressing GVB and highlight the complexities and realities involved in situations such as Darfur. The speakers will explore ways in which the United Nations agencies, NGOs, and governments can work together to better prevent and respond to violence against women, girls and vulnerable populations.

Moderator: Darla Silva, InterAction
 Speaker(s): Sonia Navani, International Rescue Committee
 Kate Burns, UN Office for the Coordination of Humanitarian Affairs
 Maeve Murphy, Women, Children & Community Development Section, UNHCR

Room XXV *Return of persons not in need of international protection*

The main concerns and challenges in relation to return of persons not in need of international protection: how can these be best addressed and what role can NGOs and UNHCR play.

Moderator: Trees Wijn-Maatman, Dutch Council for Refugees
 Speaker(s): Guy Edmunds, Danish Refugee Council (Kosovo)
 Wei-Meng Lim-Kabaa, Protection Policy & Legal Advice Section, UNHCR
 Dorte Smed, Danish Refugee Council

Room XXVII *The strategic use of resettlement*

While some governments have for decades protected refugees through resettlement, it has only been several years since formal discussions began and principles were articulated on how to more intentionally use resettlement strategically, including as a means of equitably sharing responsibility for the protection of refugees. This roundtable will provide the opportunity for experts to share lessons learned and best practices that will inform recommendations for effectively implementing the principles upon which the need for resettlement is based.

Moderator: Elizabeth McWeeny, Canadian Council for Refugees
 Speaker(s): Peer Baneke, General Secretary, European Council on Refugees and Exiles
 Eva Demant, Resettlement Section, UNHCR
 Mark Hetfield, Refugee Council USA

Thursday, 29 September 2005

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

Room XVII ***Local Integration***

Principles and practice and applying the Conclusion on Local Integration

Moderator: Manisha Thomas, International Council of Voluntary Agencies

Speaker(s): Erika Feller, Department of International Protection, UNHCR

Lee Anne de la Hunt, Ministry of Home Affairs, South Africa

Oswald Kasaizi, Relief to Development Society, Tanzania

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

Room XVII ***Linkage to ExCom***

Summary wrap-up on the proceedings of the 2005 Annual Consultations with NGOs

Moderator: Nicholas Coussidis, NGO Liaison Unit, UNHCR

Speakers: Ann Blomberg, Permanent Mission of Sweden, Rapporteur for the ExCom Bureau

Jemilah Mahmood, MERCY Malaysia, Rapporteur for the Annual Consultations with NGOs

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

Room XVII ***Closing Address by***

António Guterres, UN High Commissioner for Refugees

ANNEX II

List of Participants by Organization

Action by Churches Together International

Mr. Michael HYDEN
Program Officer - Africa
Geneva, Switzerland
act@act-intl.org
www.act-intl.org

Action Contre la Faim

Ms. Anne GARELLA
Advocacy Officer
Paris, France
agarella@actioncontrelafaim.org
www.acf-fr.org

Actions et Interventions pour le Développement et l'Encadrement Social

Mr. Paul Martin LUKUSA MBWEBWA
President
Kinshasa, Democratic Rep. of Congo
lukusapaulmartin@yahoo.fr
actionsaides2002@yahoo.ca

Afghan NGOs Coordination Bureau

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

Africa and Middle East Refugee Assistance

Mr. Tarek BADAWY
Program Director
Cairo, Egypt
tbadawy@amera-uk.org
info@amera-uk.org
www.amera-uk.org

Africa Humanitarian Action

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

Africa Humanitarian Action

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

African Concern

Mr. Cecil KPENOU
Director General
Colombes, France
ckpenou@hotmail.com

Air Serv International

Mr. Stuart WILLCUTS
President & CEO
Warrenton, United States of America
gtessier@airserv.org
asi@airserv.org
www.airserv.org

Al Wafa Charity Society for Human Services and Relation

Mr. Ali EL ABANI
Secretary General
Tripoli, Libyan Arab Jamahiriya
abani4@yahoo.co.uk

Alibi

Ms. Olivia COSGROVE
Chief, Executive Officer
Enniskillen, Ireland
olivia@budgeasy.com

AMAR International Charitable Foundation

Mr. Hassan SALMANMANESH
Senior Manager
Tehran, Iran
amaricf@yahoo.com
www.amarappeal.com/index.php

AMAR International Charitable Foundation

Mr. Mohammad Tachi CHERAGHCHI BASHI
ASJANEH
Senior Medical Advisor
Tehran, Iran
cheraghchibashi@yahoo.com
amaricf@yahoo.com
www.amarappeal.com/index.php

Amnesty International

Ms. Areti SIANNI
Refugee & Migrant Rights Coordinator
London, United Kingdom
asianni@amnesty.org
www.amnesty.org.uk

Amnesty International

Ms. Isabelle Simone TSCHAN
Volunteer
Geneva, Switzerland
isaballetschan@gmx.ch
www.amnesty.org

Amnesty International

Ms. Khadra ABDULLAHI
Volunteer
Geneva, Switzerland
kabdullahi@hotmail.com
www.amnesty.org

Amnesty International

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

Amnesty International

Ms. Giuseppina D'ALCONZO
Researcher on Asylum & Immigration Issues
Roma, Italy
g.dalconzo@amnesty.it
www.amnesty.it

Amnesty International

Mr. Sherif ELSAYED-ALI
Refugee Officer (Middle East and North Africa)
London, United Kingdom
selsayed@amnesty.org
www.amnesty.org.uk/

Arab Red Crescent & Red Cross Organization

Mr. Abdullah Ben Mohammad AL-HAZAA
Secretary General
Riyadh, Saudi Arabia
info@arabrcrc.org
www.arabrcrc.org

Asian Women's Human Rights Council

Ms. Eileen PITTAWAY
Council Member
Forestville, Australia
e.pittaway@unsw.edu.au
www.awhrc.com

Asian Women's Human Rights Council

Ms. Susan HALL
Ancorw Member
Forestville, Australia
e.pittaway@unsw.edu.au
www.awhrc.com

Asian Women's Human Rights Council

Ms. Anna GILET
Ancorw Member
Forestville, Australia
e.pittaway@unsw.edu.au
www.awhrc.com

Asian Women's Human Rights Council

Ms. Linda BARTOLOMEI
Senior Research Associate
Forestville, Australia
e.pittaway@unsw.edu.au
www.awhrc.com

Asian Women's Human Rights Council

Ms. Abbey POLUMBUS
Ancorw Member
Forestville, Australia
e.pittaway@unsw.edu.au
www.awhrc.com

Asian Women's Human Rights Council

Ms. Janet GRLJUSICH
Ancorw Member
Forestville, Australia
e.pittaway@unsw.edu.au
www.awhrc.com

Asian Women's Human Rights Council

Ms. Michele STEVENS
Ancorw Member
Forestville, Australia
e.pittaway@unsw.edu.au
www.awhrc.com

Asociación Comisión Católica Española de Migración

Ms. Reyes CASTILLO
Responsible for European Affairs
Madrid, Spain
madrid.rcf@accem.es
accem@accem.es
www.accem.es

Association for Solidarity with Asylum-Seekers & Migrants

Ms. Fulya Kip BARNARD
Vice Chair
Ankara, Turkey
fulya@metu.edu.tr
sgdd@sgdd.org.tr
www.sgdd.org.tr

Association of Medical Doctors of Asia

Ms. Mariko TSUCHIDA
Liaison Officer in Geneva
Okayama, Japan
tdmrk@yahoo.co.jp
hqinfo@amda.or.jp
www.amda.or.jp

Association of Medical Doctors of Asia

Mr. Tae NAMBA
Public Relation Officer
Okayama, Japan
tae-namba@amda.or.jp
hqinfo@amda.or.jp
www.amda.or.jp

Association of World Citizens

Ms. Genevieve JOURDAN
Representative
Geneva, Switzerland
genejour@yahoo.co.uk
genejour@hotmail.com
www.worldcitizen.org

Association of World Citizens

Ms. Florence NANTULAYA
Observer
Geneva, Switzerland
genejour@hotmail.com
www.worldcitizen.org

Association of World Citizens

Ms. Laetitia VAN HAREN
Observer
Geneva, Switzerland
genejour@hotmail.com
www.worldcitizen.org

Association of World Citizens

Ms. Maya John PRIGIONI
Observer
Geneva, Switzerland
genejour@hotmail.com
www.worldcitizen.org

**Association pour la Protection de l'Environnement
et Action Humanitaire**

Mr. Ahmed Ould KLEIB
President
Nouadhibou, Mauritania
ahmedkleib@yahoo.fr
ong_apeah@yahoo.fr
www.geocities.com/ong_apeah/ONG_APEAH.html

Atlas Logistique

Mr. Pierre LEVY
Secretary-General
Lyon, France
atlas@atlas-logistique.org
www.atlas-logistique.org

Atlas Logistique

Mr. Jean-Pierre DELOMIER
Executive Director
Lyon, France
atlas@atlas-logistique.org
www.atlas-logistique.org

Australian Council for International Development

Ms. Corinne STROPPOLO
International Program Manager
Canberra, Australia
main@acfid.asn.au
www.acfid.asn.au

**Australian National Committee on Refugee
Women**

Ms. Olivia WELLESLEY-COLE
Engineering Project Manager
Kensington, Australia
ancorw@ancorw.org
www.ancorw.org/

**Austrian Integration Fund/Osterreichischer
Integrations Fonds**

Mr. Franz WOLF-MAIER
Deputy Director
Vienna, Austria
franz.wolf-maier@integrationsfonds.at
mail@integrationsfonds.at
www.integrationsfonds.at

**BADIL Resource Center for Palestinian Residency
and Refugee Rights**

Ms. Ingrid JARADAT GASSNER

Director
Bethlehem, Occupied Palestinian Territory
info@badil.org
www.badil.org

**BADIL Resource Center for Palestinian Residency
and Refugee Rights**

Ms. Elna SONDERGAARD
Legal Consultant
Bethlehem, Occupied Palestinian Territory
info@badil.org
www.badil.org

**BADIL Resource Center for Palestinian Residency
and Refugee Rights**

Ms. Karine MAC ALLISTER
Assistant to Coordinator
Bethlehem, Occupied Palestinian Territory
legal@badil.org
info@badil.org
www.badil.org

**BADIL Resource Center for Palestinian Residency
and Refugee Rights**

Mr. Terrance M. REMPEL
Research Coordinator
Bethlehem, Occupied Palestinian Territory
resource@badil.org
info@badil.org
www.badil.org

British Refugee Council

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

Canada/Department of Foreign Affairs

Ms. Brenda YATES
Representative in Geneva
Geneva, Switzerland
Brenda.yates@international.gc.ca
genev@dfait-maeci.gc.ca
www.dfait-maeci.gc.ca

Canadian Council for Refugees

Mr. Nicholas SUMMERS
President
Montreal, Canada
nicksummers@legalaid.nl.ca
ccr@web.net
www.web.net/~ccr

Canadian Council for Refugees

Ms. Elizabeth MCWEENY
Member
Montreal, Canada
ccr@web.net
www.web.net/~ccr

Canadian Lutheran World Relief

Mr. Fikre M. TSEHAI
Refugee Program Director
Burnaby, Canada
clwr@axionet.com
www.clwr.org

CARE Canada

Ms. Gail NEUDORF
Emergency Coordinator
Ottawa, Canada
gail@care.ca
info@care.ca
www.care.ca

CARITAS Arquidiocesana do Rio de Janeiro

Mr. Candido Feliciano DA PONTE NETO
Director
Rio de Janeiro, Brazil
mitra@domain.com.br
caritas@caritasbrasileira.org
www.caritasbrasileira.org

CARITAS Bulgaria

Ms. Radosveta HADJIEVA
Coordinator Migration Services
Sofia, Bulgaria
rhadjieva@caritas-bg.org
caritas.bulgaria@caritas-bg.org
www.caritas-bg.org

CARITAS Egypt

Mr. Nabil GABRIEL
General Director
Cairo, Egypt
cariteg@link.net
caritas@caritasegypt.com
www.caritasegypt.com/english/

CARITAS Lebanon

Ms. Najla Marie-Louise CHAHDA
Director
Beirut, Lebanon
carimigr@inco.com.lb
executive@caritas.org.lb
www.caritas.org.lb

CARITAS Sweden

Mr. George JOSEPH
Director, Migration Dept.
Stockholm, Sweden
gjoseph@caritas.se
caritas@caritas.se
www.caritas.se

Centre Panafricain de Prospective Sociale

Mr. Albert EKUE
Director
Porto-Novo, Benin
cppsamps@elodia.intnet.bj

Child Development Foundation

Mr. Mawahib AHMED
Project Coordinator
Khartoum, Sudan

mawahib99@yahoo.com
cdforg@sudanmail.net
www.cdforg.freehosting.net

Christian Children's Fund

Ms. Hourig BABIKIAN
Richmond, United States of America
christian children's fund@ccfusa.org
www.christianchildrensfund.org

CIMADE

Ms. Caroline INTRAND
Policy Officer
Paris, France
caroline.intrand@cimade.org
www.cimade.org

Civil Rights Project

Mr. Zudije SEJ / SHEHU
Executive Director
Pristina, Serbia and Montenegro
zudije@crpkosovo.ipko.org
crp@crpkosovo.ipko.org
www.crpkosovo.org/

Comisión Española de Ayuda al Refugiado

Mr. Mauricio VALIENTE OTS
Coordinador Legal Service
Madrid, Spain
secgeneral@cear.es
www.cear.es

Comisión Española de Ayuda al Refugiado

Mr. Fernando HERRERA INARAJA
External Relations
Madrid, Spain
secgeneral@cear.es
www.cear.es

Comité National d'Action pour les Droits de l'Enfant et de la Femme

Ms. Christine Pauline KWEKAM
Membre Actif
Nkol Eton, Cameroon, Rep. of
cadedf@caramail.com
www.cadef africa.org

Community Development Center

Mr. Predrag JANKOVIC
Director
Podgorica, Serbia and Montenegro
cdcpcj@cg.yu
cdcmont@cg.yu

Consortium of Humanitarian Agencies

Mr. Jeevan THIAGARAJAH
Executive Director
Colombo, Sri Lanka
execdir@cha.lk
info@cha.lk
www.humanitarian-srilanka.org

CORD

Mr. Michael GODFREY
Executive Director
Warwickshire, United Kingdom

mgodfrey@cord.org.uk
info@cord.org.uk
www.cord.org.uk/frames.html

Danish Refugee Council

Mr. Guy EDMUNDS
Project Coordinator
Copenhagen, Denmark
ps-pc@drc-kosovo.org
drc@drc.dk
www.drc.dk

Danish Refugee Council

Ms. Anne LA COUR VAAGEN
Head of Asylum & Repatriation
Copenhagen, Denmark
anne.lacour@drc.dk
drc@drc.dk
www.drc.dk

Danish Refugee Council

Ms. Dorte SMED
Legal Advisor
Copenhagen, Denmark
drc@drc.dk
www.drc.dk

Danish Refugee Council

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

Don Bosco Ashalayam

Mr. Jose Mathew KOORAPPALLIL
Executive Director
New Delhi, India
Joesdb@rediffmail.com
ashalayam@vsnl.net
www.dbasha.org

Dutch Refugee Council

Ms. Theresia Maria WIJN-MAATMAN
Head of Policy Department
Amsterdam, Netherlands
twijn@drcfr.nl
info@vluchtelingenwerk.nl
www.vluchtelingenwerk.nl

Dutch Refugee Council

Ms. Ilse GRIEK
International Policy Officer
Amsterdam, Netherlands
igriek@drcfr.nl
info@vluchtelingenwerk.nl
www.vluchtelingenwerk.nl

Enfants du Monde

Mr. Alain ROQUE
Administrateur
Marseille, France
alain.roque@gmail.com
info@edm.org

www.edm.org

Enfants Réfugiés du Monde

Mr. Nicolas GIBIER-RAMBAUD
Directeur
Montreuil, France
erm@enfantsrefugiesdumonde.org
www.enfantsrefugiesdumonde.org/

Episcopal Migration Ministries

Mr. Hale ANDERSON
Representative
New York, United States of America
v600@earthlink.net
emm@episcopalchurch.org
www.episcopalchurch.org

España con ACNUR

Ms. Maria Angeles SIEMENS
Director
Madrid, Spain
m.siemens@eacnur.org
eacnur@ibm.es
www.eacnur.org

European Council on Refugees and Exiles

Mr. Peer BANEKE
Secretary-General
London, United Kingdom
pbaneke@ecre.org
ecre@ecre.org
www.ecre.org

European Council on Refugees and Exiles

Ms. Patricia COELHO
Policy Officer
London, United Kingdom
pcoelho@ecre.org
ecre@ecre.org
www.ecre.org

European Council on Refugees and Exiles

Mr. Chris NASH
Legal Officer
London, United Kingdom
cnash@ecre.org
ecre@ecre.org
www.ecre.org

Fédération Internationale des Droits de l'Homme

Ms. Samira TRAD
Consultant
Paris, France
fidh@fidh.org
www.fidh.org

Fédération Internationale des Droits de l'Homme

Mr. Michael KAGAN
Consultant
Paris, France
fidh@fidh.org
www.fidh.org

Fight Aids Monaco

Mr. Hervé AESCHBACH
Coordonateur
Monaco, Monaco
herve.aeschbach@fightaidsmonaco.com
courrier@fightaidsmonaco.com
www.monacosida.com

Finnish Red Cross

Ms. Ann-Charlotte SIREN-BORREGO
Planning Officer
Helsinki, Finland
ann-charlotte.siren-borrego@redcross.fi
webmaster@redcross.fi
www.redcross.fi

Finnish Refugee Advice Centre

Mr. Thomas BERGMAN
Lawyer
Helsinki, Finland
pakneuv@kaapeli.fi
www.pakolaisneuvonta.fi

Finnish Refugee Council

Ms. Marja-Leena SUVANTO
Head of Information
Helsinki, Finland
marja-leena.suvanto@finnref.org
finnref@finnref.org
www.pakolaisapu.fi

Finnish Refugee Council

Ms. Leena KUMPULAINEN
Head of International Programme
Helsinki, Finland
leena.kumpulainen@finnref.org
finnref@finnref.org
www.pakolaisapu.fi

Forced Migration & Refugee Studies, American University in Cairo

Ms. Barbara HARRELL-BOND
FMRS Professor
Cairo, Egypt
behbond@aucegypt.edu
fmrs@aucegypt.edu
www.aucegypt.edu/fmrs

Forum Réfugiés

Mr. Jean-François DUBOST
Juriste, Chargé de Mission
Villeurbanne, France
jfdubost@forumrefugies.org
direction@forumrefugies.org
www.forumrefugies.org

Forum Réfugiés

Ms. Marion CHENEVAS
Juriste - stagiaire
Villeurbanne, France
direction@forumrefugies.org
www.forumrefugies.org

Free Mission for Relief and Development

Mr. Salaheldin YOUSIF

General Director
Khartoum, Sudan
salahomar33@yahoo.com

Friends World Committee for Consultation (QUAKERS)

Ms. Laurel Alison TOWNHEAD
Programme Assistant
Geneva, Switzerland
quno2@quno.ch
www.geneva.quno.info

Friends World Committee for Consultation (QUAKERS)

Ms. Rachel BRETT
Representative
Geneva, Switzerland
rbrett@quno.ch
quno2@quno.ch
www.geneva.quno.info

Fundación para la Educación y el Desarrollo

Mr. Hugo Alirio GOMEZ NIETO
Coordinador
Bogota, Colombia
hugogomeznieto@hotmail.com
fedesdh@etb.net.co

Geneva Centre for the Democratic Control of Armed Forces

Mr. David NOSWORTHY
Fellow, Special Programmes
Geneva, Switzerland
d.nosworthy@dcaf.ch
www.dcaf.ch

Geneva Centre for the Democratic Control of Armed Forces

Ms. Megan BASTICK
Special Programmes Coordinator
Geneva, Switzerland
m.bastick@dcaf.ch
www.dcaf.ch

Geneva Centre for the Democratic Control of Armed Forces

Ms. Anja EBNÖTHER
Assistant Director, Head Special Programmes
Geneva, Switzerland
a.ebnoether@dcaf.ch
www.dcaf.ch

Global Health Foundation

Mr. Tawfig OSAMA
Executive Director
Khartoum, Sudan
ghfsudan@yahoo.com
www.ghf-sd.org

Greek Council for Refugees

Ms. Hari BRISSIMI
Vice President
Athens, Greece
gcr1@gcr.gr
www.gcr.gr

Greek Council for Refugees

Ms. Iro-Georgia NICOLACOPOULOU-STEPHANOU
President
Athens, Greece
gcr1@gcr.gr
www.gcr.gr

GRUPA 484

Mr. Miodrag SHRESTHA
Program Coordinator
Belgrade, Serbia and Montenegro
office@grupa484.org.yu
www.grupa484.org.yu

Handicap International

Mr. Luciano LOIACONO
Chargé des relations institutionnelles
Lyon, France
contact@handicap-international.org
www.handicap-international.org

Hawa Society for Women

Mr. Fath Elrahman ELGADI
NGO Consultant
Khartoum, Sudan
Elgady99@yahoo.com

Hayat

Mr. Vusal RAJABLI
President
Baku, Azerbaijan
vusal@hayat.az
office@hayat.az
www.hayat.az

Heartland Alliance

Ms. Mary Meg MCCARTHY
Director Midwest & Human Rights Center
Chicago, United States of America
mmccarty@heartlandalliance.org
moreinfo@heartlandalliance.org
www.heartlandalliance.org

Hebrew Immigrant Aid Society

Mr. Leonard TERLITSKY
Regional Director
Moscow, Russian Federation
l.terlitsky@hias.ru
mc@hias.ru
www.hias.org/Offices/moscow.html

Hebrew Immigrant Aid Society

Mr. Neil GRUNGRAS
Regional Director, Europe & the Middle East
New York, United States of America
neil.grungras@hias.org
info@hias.org
www.hias.org

Hebrew Immigrant Aid Society

Mr. Enrique BURBINSKI
Director Latin America
Buenos Aires, Argentina
eburbi@ciudad.com.ar

www.hias.org

Hellenic Migration Policy Institute

Ms. Anastasia POLYZOU
Department of Research
Athens, Greece
president@imepo.gr
www.imepo.gr

HelpAge International

Mr. William GRAY
London, United Kingdom
bgray@helpage.org
hai@helpage.org
www.helpage.org

Human Rights First

Ms. Eleanor ACER
Director, Asylum Program
New York, United States of America
acere@humanrightsfirst.org
communications@humanrightsfirst.org
www.humanrightsfirst.org

Human Rights Watch

Mr. Bill FRELICK
Refugee Policy Director
Washington, United States of America
frelieb@hrw.org
hrwdc@hrw.org
www.hrw.org

Human Rights Watch

Ms. Elin HALLA ASGEIRSDOTTIR
Consultant
Geneva, Switzerland
hrwrpp@hrw.org
www.hrw.org

Hungarian Helsinki Committee

Mr. Galor GYULAI
Information Officer
Budapest, Hungary
gabor.gyulai@helsinki.hu
helsinki@helsinki.hu
www.helsinki.hu/

Icelandic Human Rights Centre

Ms. Gudrun GUDMUNDSDOTTIR
Director
Reykjavik, Iceland
icehr@humanrights.is
www.humanrights.is

InterAction - American Council for Voluntary International Action

Ms. Mary PACK
Director for Migration and Refugee Affairs
Washington, United States of America
mpack@interaction.org
ia@interaction.org
www.interaction.org

InterAction - American Council for Voluntary International Action

Ms. Darla SILVA
Consultant
Washington, United States of America
mpack@interaction.org
ia@interaction.org
www.interaction.org

InterAid International

Mr. Cyril RITCHIE
Chairman
Geneva, Switzerland
c.ritchie@fiig.org
www.fiig.org

InterAid Uganda

Ms. Sicolastica NASINYAMA
Executive Director
Kampala, Uganda
nasinyama2000@yahoo.com
iau@utlonline.co.ug

International Aid Services

Mr. Julius BITAMAZIRE
Country Director
Kampala, Uganda
ias-uganda@ias.nu
www.ias.nu

International Catholic Migration Commission

Ms. Aileen CROWE
Geneva, Switzerland
aileencr@tpg.com.au
secretariat.ch@icmc.net
www.icmc.net

International Catholic Migration Commission

Mr. John BINGHAM
Head of Communications
Geneva, Switzerland
bingham@icmc.net
secretariat.ch@icmc.net
www.icmc.net

International Catholic Migration Commission

Ms. Carmen MIRANDA
Intern
Geneva, Switzerland
secretariat.ch@icmc.net
www.icmc.net

International Catholic Migration Commission

Ms. Petra HUECK
Liaison Officer
Brussels, Belgium
hueck@icmc.net
www.icmc.net

International Catholic Migration Commission

Ms. Mariette GRANGE
Advocacy Officer
Geneva, Switzerland
grange@icmc.net
www.icmc.net

International Catholic Migration Commission

Ms. Vanessa ALEXANDER
Intern
Geneva, Switzerland
secretariat.ch@icmc.net
www.icmc.net

International Catholic Migration Commission

Ms. Marie D'AUCHAMP
Intern
Geneva, Switzerland
dauchamp@icmc.net
www.icmc.net

International Catholic Migration Commission

Mr. Johan KETELERS
Secretary-General
Geneva, Switzerland
ketelers@icmc.net
www.icmc.net

International Catholic Migration Commission

Mr. Kenneth PATTERSON
Director of Operations
Geneva, Switzerland
patterson@icmc.net
www.icmc.net

International Centre for Migration and Health

Ms. Daita SAYURI
Development & Technical Associate
Geneva, Switzerland
sdaita@icmh.ch
admin@icmh.ch
www.icmh.ch/

International Centre for Migration and Health

Mr. Manuel CARBALLO
Executive Director
Geneva, Switzerland
mcarballo@icmh.ch
admin@icmh.ch
www.icmh.ch/

International Council of Jewish Women

Ms. Rachel BABECOFF
Permanent Representative to the UN in Geneva
Montevideo, Uruguay
rb@infomaniak.ch
icjw@montevideo.com.uy
www.icjw.org

International Council of Voluntary Agencies

Mr. Myke LEAHY
Information Officer
Geneva, Switzerland
information@icva.ch
secretariat@icva.ch
www.icva.ch

International Council of Voluntary Agencies

Ms. Manisha THOMAS
Policy Officer
Geneva, Switzerland
Manisha@icva.ch

www.icva.ch

International Council of Voluntary Agencies

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

International Council of Voluntary Agencies

Mr. Hermen KETEL
Consultant
Geneva, Switzerland
ketel.serail@wanadoo.fr
secretariat@icva.ch
www.icva.ch

International Council of Voluntary Agencies

Ms. Jenny BORDEN
Geneva, Switzerland
secretariat@icva.ch
www.icva.ch

International Federation of Medical Students Associations

Ms. Eva Margrethe HOLST
Director of the Standing Committee on H.R. & Peace
Ferney-Voltaire, France
gs@ifmsa.org
www.ifmsa.org

International Federation of Medical Students Associations

Ms. Jana KAMMEYER
President
Ferney-Voltaire, France
president@ifmsa.org
gs@ifmsa.org
www.ifmsa.org

International Federation of Medical Students Associations

Ms. Layal CHAKER
Director of the Standing Committee on H.R. & Peace
Ferney-Voltaire, France
gs@ifmsa.org
www.ifmsa.org

International Federation Terre des Hommes

Ms. Eylah KADJAR-HAMOUDA
Coordinator
Geneva, Switzerland
coordinator@iftdh.org
info@terredeshommes.org
www.terredeshommes.org/

International Federation Terre des Hommes

Ms. Anastasia CORSINI
Assistante
Geneva, Switzerland
stagiaire@iftdh.org
info@terredeshommes.org
www.terredeshommes.org/

International Institute of Humanitarian Law

Mr. Jovan PATRNOGIC
President
Geneva, Switzerland
geneva@iihl.org
iihl.geneva@gcsp.ch
www.iihl.org

International Islamic Charitable Organization

Mr. Ibrahim HASSABALLA
Director General
Safat, Kuwait
iico@iico.org
www.iico.org

International Islamic Charitable Organization

Mr. Farid AL-AWADHI
Deputy Director General
Safat, Kuwait
iico@iico.org
www.iico.org

International Islamic Relief Organization

Ms. Fawzia AL ASHMAWI
Representative in Geneva
Jeddah, Saudi Arabia
relief@iiosa.org
www.iiosa.org

International Medical Corps

Mr. Ky LUU
Vice-President
Washington, United States of America
kluu@imcworldwide.org
imc@imcworldwide.org
www.imc-la.org

International Organization for Peace, Care & Relief

Mr. Bashir MUSBAH
Secretary General
Tripoli, Libyan Arab Jamahiriya
Ioprngo@yahoo.com

International Rescue Committee

Mr. Gregory BROWN
Director
Geneva, Switzerland
gregoryb@theirc.org
irc@theIRC.org
www.theirc.org

International Rescue Committee

Ms. Margaret GREEN-RAUENHORST
Director, Protection Unit
New York, United States of America
mgreen@theirc.org
irc@theirc.org
www.theirc.org

International Rescue Committee

Mr. Gerald MARTONE
Director of Humanitarian Affairs
New York, United States of America
gerald@theirc.org

irc@theirc.org
www.theirc.org

International Rescue Committee

Ms. Jacquelyn MIZE-BAKER
Director of Refugee Processing
New York, United States of America
jackie@theirc.org
irc@theirc.org
www.theirc.org

International Rescue Committee

Ms. Sonia NAVANI
Program Officer
New York, United States of America
sonian@theirc.org
irc@theirc.org
www.theirc.org

International Save the Children Alliance

Ms. Maria Roberta CECCHETTI
Representative
London, United Kingdom
roberta@savethechildren.ch
info@save-children-alliance.org
www.savethechildren.net

International Save the Children Alliance

Ms. Jyothi KANICS
Programme Manager
London, United Kingdom
jk@redbarnet.dk
info@save-children-alliance.org
www.savethechildren.net

International Social Service

Mr. Vincent FABER
Secretary-General
Geneva, Switzerland
vincent.faber@iss-ssi.org
info@iss-ssi.org
www.iss-ssi.org

INTERSOS

Mr. Lucio MELANDRI
Head of Operation Unit
Roma, Italy
intersos@intersos.org
www.intersos.org

INTERSOS

Mr. Feci DAMASO
Representative in Geneva
Roma, Italy
intersos@intersos.org
www.intersos.org

Irish Refugee Council

Ms. Louise MOOR
Legal Officer
Dublin, Ireland
louise@irishrefugeecouncil.ie
refugee@iol.ie
www.irishrefugeecouncil.ie

Islamic Relief

Ms. Claudie BARRAT
Project Coordinator
Geneva, Switzerland
cbarrat@islamic-relief.ch
info@islamic-relief.ch
www.islamic-relief.ch

Islamic Relief

Mr. Jamal KRAFESS
Director
Geneva, Switzerland
jkrafess@islamic-relief.ch
info@islamic-relief.ch
www.islamic-relief.ch

Islamic Relief

Ms. Mersiha KARABASIC
Project Coordinator
Geneva, Switzerland
mersiha@islamic-relief.ch
info@islamic-relief.ch
www.islamic-relief.ch

Japan Association for Refugees

Ms. Eri ISHIKAWA
Senior Researcher
Tokyo, Japan
ishikawa@refugee.or.jp
jar@refugee.or.jp
www.refugee.or.jp

Jesuit Refugee Service

Mr. Mulenga NKULA
Advocacy Director
Lusaka, Zambia
mnkula@zamtel.zm

Jesuit Refugee Service

Ms. Mitzi SCHROEDER
Director for Policy
Washington, United States of America
mschroeder@jesuit.org
jrsusa@jesuit.org
www.jrsusa.org

Jesuit Refugee Service

Ms. Christine BLOCH
Representative
Geneva, Switzerland
christine.bloch@jrs.net
www.jesref.org

Jesuit Refugee Service

Ms. Vera DEN OTTER
Information and Advocacy Officer
Bangkok, Thailand
vera@jrs.or.th
asia.pacific@jesref.org
www.jrs.net

Jesuit Refugee Service

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

www.jesref.org

Jesuit Refugee Service

Mr. Luis MAGRINA
International Director
Roma, Italy
lluis.magrina@jrs.net
international@jrs.net
www.jesref.org

Jesuit Refugee Service

Ms. Anna Marie GALLAGHER
International Refugee & Migration Lawyer
Roma, Italy
international@jrs.net
www.jesref.org

Jesuit Refugee Service

Mr. Jonathan MAMO
Volunteer
Malta, Malta
bigfriendlymamo@yahoo.com
info@jrsmalta.org
www.jrsmalta.org

Jesuit Refugee Service

Ms. Merlys MOSQUERA CHAMAT
Venezuela Country Director
Guasualito, Venezuela
jrs@gumilla.org.ve
venezuela@jrs.net
www.serviciojesuitaarefugiados-vzla.org

Keik Okara NGO

Ms. Roza KUZAKHMEDOVA
Director
Ashgabat, Turkmenistan
ocara@ngo-tm.org
www.turkmenia.info

Lebanese Association for Human Rights

Mr. Nehme JOMAA
President
Beirut, Lebanon
njoumaa@hotmail.com
info@aldhom.org
www.aldhom.org

Lutheran World Federation

Mr. Lemma DEGEFA
Program Officer
Geneva, Switzerland
lde@lutheranworld.org
info@lutheranworld.org
www.lutheranworld.org

Lutheran World Federation

Mr. Neville PRADHAN
Program Officer - Emergencies, Refugees & IDPs
Geneva, Switzerland
nap@lutheranworld.org
info@lutheranworld.org
www.lutheranworld.org

Lutheran World Federation

Ms. Maria IMMONEN

Program Officer
Geneva, Switzerland
mim@lutheranworld.org
info@lutheranworld.org
www.lutheranworld.org

Lutheran World Federation

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

Lutheran World Federation

Mr. John DAMERELL
LWF/WS Program Coordinator
Geneva, Switzerland
damerell@lutheranworld.org
info@lutheranworld.org
www.lutheranworld.org

Lutheran World Federation

Mr. Robert H. GRANKE
Director of LWF World Service
Geneva, Switzerland
rhg@lutheranworld.org
info@lutheranworld.org
www.lutheranworld.org

Malawi Red Cross Society

Mr. Lawson Bennet Kirk KASAMALE
Acting Secretary-General
Lilongwe, Malawi
lredcross@malawi.net
www.ifrc.org/address/mw.asp

Marangopoulos Foundation for Human Rights

Mr. Tom GANIATSOS
Permanent Representative
Geneva, Switzerland
www.mfhr.gr

Médecins sans Frontières International

Mr. Emmanuel TRONC
Policy & Advocacy Coordinator
Geneva, Switzerland
Emmanuel.tronc@geneva.msf.org
office-gva@geneva.msf.org
www.msf.org

Medical Emergency and Relief Cooperative International

Ms. Florence DAVIS
Acting Medical Coordinator
Monrovia, Liberia
mercilib@yahoo.com

Mercy Corps

Mr. George DEVENDORF
Director, Public Affairs
Washington, United States of America
george@mercycorpsdc.org
www.mercycorps.org

MERCY Malaysia

Ms. Jemilah MAHMOOD
President
Selangor, Malaysia
president@mercy.org.my
www.mercy.org.my

MERCY Malaysia

Ms. Shareen ABDUL GHANI
Chief Operating Officer
Selangor, Malaysia
shareen@mercy.org.my
president@mercy.org.my
www.mercy.org.my

Merlin

Ms. Carolyn MILLER
Chief Executive
London, United Kingdom
Carolyn.Miller@merlin.org.uk
www.merlin.org.uk

Merlin

Ms. Linda DOULL
Health Director
London, United Kingdom
linda.doull@merlin.org.uk
www.merlin.org.uk

Mizan-Law Group for Human Rights

Ms. Eva ABU HALAWEH
Executive Director
Amman, Jordan
mizan@nets.jo
www.mizangroup.org

**Mouvement contre le Racisme et pour l'Amitié
entre les Peuples**

Mr. Gianfranco FATTORINI
Représentant Permanent
Paris, France
fgf.perso@swissinfo.org
www.mrap.asso.fr/

National Association of Community Legal Centres

Ms. Jacqueline EVERITT-ASHTON
Representative
Sydney, Australia
naclc@fcl.fl.asn.au
www.naclc.org.au

National Association of Community Legal Centres

Ms. Frances VOON
Representative
Sydney, Australia
naclc@fcl.fl.asn.au
www.naclc.org.au

National Association of Community Legal Centres

Ms. Allison CORKERY
Representative
Sydney, Australia
naclc@fcl.fl.asn.au
www.naclc.org.au

National Association of Community Legal Centres

Ms. Natasha ELSAYAD
Representative
Sydney, Australia
naclc@fcl.fl.asn.au
www.naclc.org.au

National Association of Community Legal Centres

Mr. Shane PRINCE
Pro Bono Counsel
Sydney, Australia
naclc@fcl.fl.asn.au
www.naclc.org.au

National Council of Churches of Kenya

Ms. Christine Kibibi MASHA
Project Coordinator
Nairobi, Kenya
cmasha@ncck.org
ssd@ncck.org
www.ncck.org

Network of Humanitarian Legal Offices

Mr. Branislav CUBRILO
Director
Belgrade, Serbia and Montenegro
cubrilo@nhlo.sdc.org.yu
nhlo@nhlo.org
www.nhlo.org

Nigerian Red Cross Society

Mr. Ibrahim TAHIR
President
Lagos, Nigeria
nrcc@nigerianredcross.org
www.nigerianredcross.org/red/index.php

Norwegian Church Aid

Mr. Eirik Hjort KIRKERUD
Programme Officer
Oslo, Norway
nca-oslo@nca.no
www.nca.no

Norwegian Refugee Council

Mr. Jens-Hagen ESCHENBACHER
Head of Monitoring & Advocacy Dpt.
Geneva, Switzerland
jens.eschenbaecher.nrc.ch
idpsurvey@nrc.ch
www.idpproject.org

Norwegian Refugee Council

Mr. Arild BIRKENES
Country Analyst
Geneva, Switzerland
arild.birkenes@nrc.ch
idpsurvey@nrc.ch
www.idpproject.org

Norwegian Refugee Council

Ms. Dina ABOUSAMRA
Country Analyst
Geneva, Switzerland
dina.abousamra@nrc.ch
idpsurvey@nrc.ch

www.idpproject.org

Norwegian Refugee Council

Ms. Barbara MCCALLIN
Country Analyst
Geneva, Switzerland
barbara.mccallin@nrc.ch
idpsurvey@nrc.ch
www.idpproject.org

Norwegian Refugee Council

Mr. Thomas HORNE
Adviser
Oslo, Norway
thomas.horne@nrc.no
nrc-no@online.no
www.nrc.no

Norwegian Refugee Council

Ms. Lisbeth PILEGAARD
Adviser
Oslo, Norway
lisbeth.pilegaard@nrc.no
nrc-no@online.no
www.nrc.no

Norwegian Refugee Council

Ms. Elisabeth RASMUSSEN
Resident Representative
Geneva, Switzerland
elisabeth.rasmusson@nrc.ch
idpsurvey@nrc.ch
www.idpproject.org

Norwegian Refugee Council

Ms. Mpako FOALENG
Country Analyst
Geneva, Switzerland
foaleng@nrc.ch
idpsurvey@nrc.ch
www.idpproject.org

Norwegian Refugee Council

Mr. Jesse BERNSTEIN
Country Analyst
Geneva, Switzerland
jesse.bernstein@nrc.ch
idpsurvey@nrc.ch
www.idpproject.org

Norwegian Refugee Council

Ms. Aninia NADIG
Country Analyst
Geneva, Switzerland
aninia.nadig@nrc.ch
idpsurvey@nrc.ch
www.idpproject.org

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

Mr. Mamadou NDIAYE
Director
Dakar, Senegal
ofadec@sentoo.sn
www.ofadec.multimania.com

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

Mr. Abdoulaye DIONE
Chargé de Projet
Dakar, Senegal
dionab@sentoo.sn
ofadec@sentoo.sn
www.ofadec.multimania.com

**Overseas Development Institute/Humanitarian
Policy Group**

Ms. Anna SCHMIDT
Research Associate
London, United Kingdom
hpgadmin@odi.org.uk
www.odi.org.uk

Peace Winds Japan

Mr. Hiroaki ISHII
Country Representative Liberia
Tokyo, Japan
hiroaki_ishii@peace-winds.org
pwj@peace-winds.org
www.peace-winds.org

Portuguese Refugee Council

Ms. Maria Teresa Tito de Morais MENDES
Presidente de la Direction
Lisbon, Portugal
teresa.mendes@cpr.pt
geral@cpr.pt
www.cpr.pt/

Pravno-informacijski Center Nevladnih

Ms. Vita HABJAN
Legal Adviser, Project Coordinator
Ljubljana, Slovenia
vita.habjan@pic.si
pic@pic.si
www.pic.si

Qatar Charitable Society

Mr. Mohamed DOUKALI
Director of Projects
Doha, Qatar
qcharity@qcharity.org
www.qcharity.org

Reach Out Project

Ms. Sylvie ROBERT
Project Manager
Geneva, Switzerland
sylvie.robert@ifrc.org
reachout@ifrc.org
www.reachout.ch

Redd Barna / Save the Children Norway

Mr. Ashild Andrea BREKKE
Programme officer
Oslo, Norway
ashild.brekke@reddbarna.no
pro@reddbarna.no
www.reddbarna.no

Refugee Assistance Headquarters

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

Refugee Consortium of Kenya

Ms. Judy WAKAHIU
Executive Director
Nairobi, Kenya
adrefcon@iconnect.co.ke
refcon@iconnect.co.ke
www.refconkenya.org

Refugee Consortium of Kenya

Mr. George Kariuki NJAMWITHA
Legal Officer
Nairobi, Kenya
refcon@iconnect.co.ke
www.refconkenya.org

Refugee Consortium of Kenya

Ms. Emily THUO
Programme Officer
Nairobi, Kenya
refcon@iconnect.co.ke
www.refconkenya.org

Refugee Council of Australia

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

Refugee Council USA

Mr. Mark HETFIELD
Director USCRI
Washington, United States of America
council@refugeecouncilusa.org
www.refugeecouncilusa.org

Refugee Education Trust

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

Refugee Education Trust

Mr. Remi MANNAERT
Resource Mobilization Manager
Geneva, Switzerland
mannaert@r-e-t.com
info@r-e-t.com
www.r-e-t.com

Refugee Rights Clinic

Ms. Anat BEN DOR
Clinic Instructor
Tel Aviv, Israel
anatbd@post.tau.ac.il
lawclinc@post.tau.ac.il,

www.tau.ac.il/law/clinics/english/

Refugees International

Ms. Maureen LYNCH
Director of Research
Washington, United States of America
maureen@refintl.org
ri@refintl.org
www.refugeesinternational.org

Relief to Development Society

Mr. Oswald Edward KASAIZI
Executive Director
Dar-es-Salaam, Tanzania
okasaizi@redeso.or.tz
redeso@africaonline.co.tz
www.redeso.org/index.html

Rissho Kosei-Kai

Mr. Yasumoto SAWAHATA
Representative
Geneva, Switzerland
rkkgva@bluemail.ch
www.rk-world.org

ROKADA Charitable Foundation

Ms. Dina GOOD
Executive Director
Kyiv, Ukraine
D.good@rokada.org.ua
office@rokada.org.ua
www.refugee.net.ua

Salvation Army

Ms. Elizabeth HAYWARD
Training & Field Operations Officer
London, United Kingdom
Ihq-emergency@salvationarmy.org
www.salvationarmy.org

Saudi Arabian Red Crescent Society

Mr. Saleem AL-AHMAD
Director, Relief Dpt.
Riyadh, Saudi Arabia
redcrescent@zajil.net
www.ifrc.org/address/sa.asp

Save the Children

Ms. Tammie WILLCUTS
Acting Director, Emergencies & Protection Unit
Westport, United States of America
twillcuts@savechildren.org
partners@savechildren.org
www.savethechildren.org

Save the Children/Salvati Copii

Mr. Vasile BATCU
President
Chisinau, Moldova
refugee@molddata.md
www.scm.ngo.moldnet.md

Save the Children Sweden/Radda Barnen

Ms. Mari MORTH
Program Officer
Stockholm, Sweden

mari.morth@rb.se
info@rb.se
www.rb.se

SAVERA Counseling Services

Ms. Nagima IMMAD
Director
Islamabad, Pakistan
saveracs@isb.paknet.com.pk

SAVERA Counseling Services

Ms. Sharifa PANEZAI
Project coordinator
Islamabad, Pakistan
nimdad@yahoo.com
saveracs@isb.paknet.com.pk

Scottish Mission in Hungary/Reformed Church in Hungary

Ms. Kathy ANGI
International Co-worker for Refugee mission
Budapest, Hungary
angikathy@yahoo.com
info@zsinatiroda.hu
www.reformatus.hu

Secours Catholique et Développement/Caritas Chad

Mr. Philippe BOGUEL
Coordinateur
N'Djamena, Chad
secadev@intnet.td

Serbia and Montenegro Red Cross

Mr. Branislav MILENKOVIC
Program Coordinator
Belgrade, Serbia and Montenegro
serbiaandmontenegro@redcross.org.yu
www.redcross.org.yu

Slovene Philanthropy

Mr. Franci ZLATAR
Head of the Center for Psychosocial Help
Ljubljana, Slovenia
franci.zlatar@filantropija.org
info@filantropija.org
www.filantropija.org

Society and Law

Ms. Mouatar KHAIDAROVA
NGO Board Chairperson
Dushanbe, Tajikistan
muatar@rambler.ru
icnl@counterpart-tj.org

Society of Citizens Assisting Emigrants

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

Soka Gakkai International

Mr. Kazunari FUJII
Representative to the UN

Geneva, Switzerland
kazunari@geneva-link.ch
www.sgi.org

Solar Cookers International

Ms. Alison CURTIS
Representative to the UN
Sacramento, United States of America
info@solarcookers.org
solarcooking.org/sci.htm

Solar Cookers International

Ms. Sonia HEPTONSTALL
International Representative
Sacramento, United States of America
info@solarcookers.org
solarcooking.org/sci.htm

Solidarité et Liberté

Ms. Sophie ROUDIL
Secrétaire générale
Marseille, France
solidarite-et-liberte@wanadoo.fr

Solidarité et Liberté

Ms. Julia MASSON
Chargée de Mission Irak
Marseille, France
solidarite-et-liberte@wanadoo.fr

South Africa/Department of Foreign Affairs

Ms. Maryisa DUSINSKI
Assistant Director, Refugee and Migration Affairs
South Africa

South Africa/Minister of Home Affairs

Prof. Lee Anne DE LA HUNT
Legal Advisor
South Africa

Sudan Organization Against Torture

Mr. Mossaad MOHAMED ALI
Coordinator, Darfur Office, Sudan
Nyala, Sudan
alimoss2001@yahoo.com
info@soatsudan.org
www.soatsudan.org

Swedish Red Cross

Ms. Eva ULFVEBRAND
Senior Policy Adviser
Stockholm, Sweden
eva.ulfvebrand@redcross.se
www.redcross.se

Swedish Refugee Aid

Mr. Borje SJOKVIST
Secretary-General
Stockholm, Sweden
info@swera.se
www.swera.se

Thailand Burma Border Consortium

Mr. John DUNFORD
Executive Director
Bangkok, Thailand

jack@tbbc.org,
tbbcck@tbbc.org

Thailand Burma Border Consortium

Ms. Sally THOMPSON
Deputy Executive Director
Bangkok, Thailand
sally@tbbc.org
tbbcck@tbbc.org

United Nations Non-Governmental Liaison

Mr. Tony HILL
Coordinator
Geneva, Switzerland
Tony.hill@unctad.org
www.un-ngls.org

United Nations Office

Mr. Ricardo ESPINOSA
Liaison Officer, Non-Governmental Organizations
Geneva, Switzerland
respinosa@unog.ch
www.unog.ch

United Nations Population Fund

Mr. Kirill ROSHCHUPKIN
External Relations Assistant
Geneva, Switzerland
kirill.roshchupkin@undp.org
www.unfpa.org

United Nations Population Fund

Ms. Kristine NILSEN
External Relations Officer
Geneva, Switzerland
kristine.nilsen@undp.org
www.unfpa.org

United Nations Watch

Mr. Leon SALTIEL
Senior Fellow
Geneva, Switzerland
unwatch@unwatch.org
www.unwatch.org

United Nations Watch

Ms. Eve GANI
Fellow
Geneva, Switzerland
unwatch@unwatch.org
www.unwatch.org

United Nations Watch

Mr. Pablo KAPUSTA
Fellow
Geneva, Switzerland
unwatch@unwatch.org
www.unwatch.org

University of Oxford, Refugee Research

Mr. Gil LOESCHER
Senior Research Fellow
Oxford, United Kingdom
gil@loescher.freemove.co.uk
www.rsc.ox.ac.uk

University of Oxford, Refugee Research

Mr. James MILNER
Researcher
Oxford, United Kingdom
james.milner@sant.ox.ac.uk
www.rsc.ox.ac.uk

University of Siegen, Research Project on Refugee Camps

Ms. Katharina INHETVEEN
Project Manager, Researcher
Siegen, Germany
inhetveen@soziologie.uni-siegen.de
www.fb1.uni-siegen.de/soziolog/personen/inhetveen.html

US Committee for Refugees and Immigrants

Mr. Gregory CHEN
Director, Policy Analysis & Research
Washington, United States of America
gchen@uscr.org
irsa@irsa-uscr.org
www.refugees.org

US Committee for Refugees and Immigrants

Mr. Merrill SMITH
Editor, World Refugee Survey
Washington, United States of America
msmith@uscr.org
irsa@irsa-uscr.org
www.refugees.org

Vicaria de Pastoral Social

Mr. Eduardo ROJAS
Executive Secretary
Santiago, Chile
erojas@iglesia.cl
vicaria@vicaria.cl
www.vicariapastoralsocial.cl/

Women's Commission for Refugee Women & Children

Ms. Diane GOODMAN
Geneva Liaison Officer
Vesancy, France
dianeg@womenscommission.org
www.womenscommission.org

Women's International League for Peace & Freedom

Ms. Olivia WELLESLEY-COLE
Sydney, Australia
mdziesak@bigpond.com
www.wilpf.org.au

Women's International League for Peace & Freedom

Ms. Carole SHAW
Sydney, Australia
mdziesak@bigpond.com
www.wilpf.org.au

World Council of Churches

Ms. Sydia NDUNA
Consultant for Uprooted People in Africa

Geneva, Switzerland
snd@wcc-coe.org
egf@wcc-coe.org
www.wcc-coe.org

World Council of Churches

Ms. Seta HADESHIAN
Director of Middle East Council of Churches
Geneva, Switzerland
egf@wcc-coe.org
www.wcc-coe.org

World Council of Churches

Mr. James THOMSON
Member of Nat'l Council of Church Australia
Geneva, Switzerland
egf@wcc-coe.org
www.wcc-coe.org

World Council of Churches

Ms. Sarah DEARDORFF
Intern for Uprooted People
Geneva, Switzerland
sde@wcc-coe.org
www.wcc-coe.org

World Council of Churches

Ms. Elizabeth FERRIS
Coordinator, Diakonia & Solidarity
Geneva, Switzerland
egf@wcc-coe.org
www.wcc-coe.org

World Food Programme

Ms. Francesca DE CEGLIE
NGO Unit
Roma, Italy
francesca.deceglie@wfp.org
wfpinfo@wfp.org
www.wfp.org

World Food Programme

Mr. Claude JIBIDAR
Deputy Director
Geneva, Switzerland
Claude.jibidar@wfp.org
www.wfp.org

World Organization of the Scout Movement

Mr. Chalongkwan TAVARAYUTH
Project Officer, External Relations
Geneva, Switzerland
chalongkwan@worldnet.scout.org
worldbureau@world.scout.org
www.scout.org

World Union of Catholic Women's

Ms. Ursula BARTER-HEMMERICH

Representative in Geneva
Paris, France
ursula.barter@bluewin.ch
wucwoparis@wanadoo.fr
www.umofc.org

World Vision International

Mr. Thomas GETMAN
Director, Humanitarian Affairs and Intl. Relations
Geneva, Switzerland
Thomas_getman@wvi.org
www.wvi.org

World Vision International

Mr. Kazushito TAKASE
Director, International Programs
Tokyo, Japan
kazushito_takase@worldvision.or.jp
info@worldvision.or.jp
www.worldvision.or.jp

World Vision International

Mr. Sigurd HANSON
Country Director
Islamabad, Pakistan
sigurd_hanson@wvi.org
www.wvi.org

World Vision International

Mr. Maereg TAFERE
Country Director, WV Burundi
Bujumbura, Burundi
maereg_tafere@wvi.org
www.wvi.org

World Vision International

Mr. Charles CHIWELE
Refugee Programs Manager
Lusaka, Zambia
charles_chiwele@wvi.org
www.wvi.org

World Vision International

Mr. Ton VAN ZUTPHEN
Director of Humanitarian Accountability
Geneva, Switzerland
ton_van_zutphen@WVI.org
thomas_getman@wvi.org
www.wvi.org

World Vision International

Mr. Wilson LUTAINULWA
Relief Manager
Arusha, Tanzania
wilson_luta@wvi.org
www.wvi.org

ANNEX III

**Agenda of Side Meetings at the
Annual Consultations with Non-Governmental Organizations**

Wednesday, 28 September 2005

09h00 – 10h00 Room XXV

**Closing Protection Gaps: Protection of Palestinian Refugees under Article 1D of the
1951 Refugee Convention**

Barbara Harrell-Bond, American University of Cairo, Egypt; Ingrid Jaradat Gassner, BADIL, Palestine; Anja Klug, UNHCR; Elna Sondergaard, BADIL, Palestine; and Samira Trad, Fédération Internationale des Droits de l'Homme

National legislation and practice regarding the application of Article 1D to Palestinian refugees will be examined in light of interpretations advanced by UNHCR and scholarly of refugee law. Geographic areas of review are: 1) non-Arab states signatories to the 1951 Refugee Convention; and, 2) Arab states in which UNHCR conducts RSD. Speakers, members of the organizing NGOs, will present protection gaps identified as well as recommendations for increasing the relevance of Article 1D both for Palestinian refugees, asylum lawyers and authorities. Additional input will be provided by a speaker on behalf of UNHCR-DIP. A new Handbook on Palestinian Refugee Protection in States Signatories of the 1951 Refugee Convention (BADIL, August 2005) will be made available to the participants.

09h00 – 10h00 Room XXVII

Planning for Disasters: The Tsunami Experience

Olivia Cosgrove, Alibi

Having worked in all aspects of emergencies Olivia is aware of the challenges facing NGOs in planning and accountability, particularly in the early stages of an emergency response. While working with MERCY Malaysia in Banda Aceh, Indonesia during the first 2 months of the Tsunami Emergency Response, Olivia took the opportunity to conduct a focused piece of research on the relevant planning and accountability issues faced by NGOs during that period.

Research into emergencies rarely takes place in its initial stages. You have an opportunity to take a fly on the wall look at the common issues faced by NGOs of all sizes in a high profile emergency. The findings are timely in a climate of public pressure to become more accountable and transparent.

13h15 – 14h45 Room XXV

Combatting Human Trafficking

Speakers include, among others, Richard Danziger, Counter Trafficking, IOM; and Grainne O'Hara, Department for International Protection, UNHCR

UNHCR's Bureau for Europe will be releasing a regional study called "Combatting Human Trafficking: Overview of UNHCR's Anti-Trafficking Activities in Europe". Various international experts will host a panel discussion about the different aspects of and approaches to combat trafficking of human beings.

In addition to summarizing UNHCR's activities, the study provides regional and country specific data on statistics and trends, national legal frameworks, implementation arrangements and emerging case law. It was written with the aim of identifying and sharing of good practices and of building coherent country and regional policies towards the prevention and response to human trafficking. The study paves the way for the implementation of UNHCR's forthcoming guidelines on human trafficking in the context of asylum. The report also contributes to consolidating and expanding cooperation with partners.

13h15 – 14h45 Room XXVII

Global Networking on Refugee Protection

Liz McWeeny, Canadian Council for Refugees

This Roundtable session will explore the interest in building a global network on refugee protection issues in order to more effectively exchange information, develop common strategies and strengthen advocacy. The discussion, moderated by Canada, will look at opportunities for networking between regional coalitions, specific aspects of refugee protection that prompt networking and the advantages to individual organizations of a strong common voice. The scope of such a network along with next steps for follow-up will be part of the session.

Thursday, 29 September 2005

09h00 – 10h00 Room XXV

Exploitation by Research

Eileen Pittaway, Centre for Refugee Research, University of New South Wales, Australia; Linda Bartolomei, Centre for Refugee Research; and Carole Shaw, Centre for Refugee Research

“We are really fed up with people just coming and stealing our stories, taking our photos and we never get anything back, not even a copy of the report. Nothing ever changes.” (Refugees on the Thai Burma Border - 2003)

“What does “informed consent” mean in an isolated refugee camp with security problems and no proper interpreters?” (Academic researcher 2004)

This workshop will discuss ethical issues in conducting research with refugee populations, and explore research methods which are both useful in informing policy, and provide tangible short term benefits to the populations concerned.

09h00 – 10h00 Room XXVII

Doing Business with UNHCR

Abdi Egeh, Logistics Support and Inventory Section; Mats Hultgren, Procurement and Contracts Section; Marina Ronday-Cao, Procurement and Contracts Section; Jiddo van Drunen, Supply Management Service

Logistics Support to UNHCR and Procurement by Implementing Partners
UNHCR has been facing increasing problems in identifying partners for Logistics Support in new refugee situations. Many agencies seem to have lost interest in this key area of activity. Why is this and how can this be addressed?

Of the \$ 400 million worth of goods and services procured annually with UNHCR funds, approximately 50 % are procured by IPs, (25 % by UNHCR HQ and 25 % by UNHCR Field). Such implementing partner procurement is subject to certain conditions, which it is important to remind agencies of. Under what circumstances does UNHCR allow or even encourage implementing partners to procure, and in which circumstances should procurement be carried out by UNHCR itself.

ANNEX IV

**KEYNOTE ADDRESS BY PROFESSOR GIL LOESCHER
ANNUAL CONSULTATIONS WITH NGOS
27 SEPTEMBER 2005**

I am very pleased to be your guest speaker today. For the past twenty-five years I have been working on refugee and human rights issues and during most of that time UNHCR and NGOs have been a very important part of my professional life. I have many close friends and colleagues among you.

When I was invited to be your speaker, it was suggested I might address some of the challenges confronting NGOs today. NGOs have a long history of providing invaluable assistance to refugees and other displaced people and their involvement in contemporary crises have been critically important in saving many lives. In recent years, NGOs have also expanded their activities to new tasks, such as the protection of refugees in conflict zones and providing for security to their own international and national staff in dangerous settings. NGOs have also lobbied for and provided assistance to new groups of people uprooted by war and persecution, such as the internally displaced and vulnerable groups such as refugee women and children.

While these and other challenges confronting NGOs are extremely important, I would like to speak about one of the most complex and difficult problems facing the international community today, that of "protracted refugee situations". This is an issue that James Milner and I have been working on for some time and I would like to share some of our thoughts with you. We first became aware of the significance and dimensions of the problem in 2001 after a brief visit on behalf of ECRE and the USCR to the Somali refugee camps around Dadaab in northern Kenya. At the time these were among the most violent camps in the world. The refugees we spoke to had been warehoused in these camps since the early 1990s and they complained that they were invisible to the international community. There appeared no end in sight to their predicament. We were very depressed by what we saw and heard and on the flight home, we talked about little else.

Soon afterwards, however, we came to realize that there are dozens of Dadaabs in the world today. In fact, nearly two-thirds of refugees in the world today are trapped in protracted refugee situations and the average length of stay in these virtual states of limbo is now an incredible 17 years, up from an average 9 years in the early 1990s. Such situations occur on most continents in a range of environments including camps, rural settlements and urban centres where refugees' food, shelter and other social needs are often not met. The overwhelming majority of these populations are to be found in some of the world's poorest and most unstable regions, and are most frequently the result of neglect and inaction by a range of regional and international actors.

The situation confronting these refugees is not dissimilar to the predicament of tens of thousands of refugees in Europe in the 1950s and early 1960s who stagnated in camps in Western Europe. When I was writing my book on UNHCR a number of years ago, I spent a lot of time in the UNHCR archives. When researching the 1950s and 1960s, I came across disturbing accounts of the psychological impact that the long periods of idleness, frustration and dependence had on the displaced persons in the camps in Europe. It was clear that these conditions led not only to lives of unrealized potential but also in some cases to despair, violence and even suicide. The UN High Commissioner for Refugees at the time, called the camps "black spots on the map of Europe" that should "burn holes in the consciences of all those privileged to live in better conditions". He complained that if these conditions persisted, the problems of refugees would fester and the role of his Office would be reduced to "simply administering human misery." While the problem of displaced persons in Europe was finally resolved some 20 years after the end of the Second World

War, the contemporary protracted refugee crisis shows no signs of being resolved in the near future despite the urgent need for a global response.

In a June 2004 Standing Committee paper, UNHCR pointed out that “protracted refugee situations stem from political impasses. They are not inevitable, but are rather the result of political action and inaction, both in the country of origin and in the country of asylum. They endure because of ongoing problems in the country of origin, and stagnate and become protracted as a result of responses to refugee inflows, typically involving restrictions on refugee movement and employment possibilities, and confinement to camps.”

This analysis starkly illustrates how chronic refugee situations are the combined result of unresolved political and security problems in the country of origin, the inadequate policy responses of the country of asylum, and the lack of sufficient external engagement in these situations. In fact, the prolonged presence of refugees is caused largely by both a lack of involvement by a range of peace and security actors to address the conflict or human rights violations in the country of origin and a lack of donor government involvement with the host country. Failure to address the situation in the country of origin means that the refugee cannot return home. Failure to engage with the host country reinforces the perception of refugees as a burden and a security concern, which leads to encampment and a lack of local solutions. As a result of these failures, NGOs and UNHCR are left to compensate for the inaction of those actors responsible for maintaining international peace and security. They also have been left to cope with caring for these forgotten populations and attempting to mitigate the negative implications of prolonged exile.

As UNHCR itself points out, however, prolonged care and maintenance does not constitute a solution for protracted refugee situations. Being stuck in a chronic and unresolved refugee situation with no sustainable solution in sight can not be considered to offer refugees effective protection. While assistance to longstanding refugee populations through humanitarian agencies is important, it is no substitute for sustained political and strategic action. So long as discussions on protracted refugee situations remain exclusively within the humanitarian community, and do not engage the broader peace and security and development communities, they will be limited in their impact. Humanitarian programs have to be underpinned by long-lasting political and security measures if they are to result in lasting solutions for refugees. More generally, the international donor community cannot expect the humanitarian agencies to fully respond to and resolve long-standing refugee problems without the sustained engagement of the peace and security and development actors.

Unfortunately, the contemporary response to protracted refugee situations stands in stark contrast to the international response to some of the major long-standing refugee populations during the Cold War, when the geo-political interests of the West led to large-scale engagement with a number of prolonged refugee crises. This engagement resulted in the formulation and implementation of comprehensive approaches drawing on the three durable solutions of repatriation, local integration and third country resettlement. Such approaches were central to resolving the situation of displaced people remaining in Europe long after World War II, of millions of Indo-Chinese refugees and of the Central American refugee situation in the 1980s. In responding to the protracted presence of refugee populations today, it is important to remember that by understanding the particular character of each refugee situation, and by considering the needs, concerns and capacities of the countries of first asylum, the country of origin, resettlement and donor countries, along with the needs of refugees themselves, the international community has successfully resolved the plight of numerous refugee populations in the past fifty-five years.

Such approaches also need to be rooted in an understanding of the relationship between forced migration and international security since the end of the Cold War and in an understanding of the security concerns of many developing states. The nature of protracted refugee situations in the developing world has changed. During the Cold War, these situations were addressed as part of the geo-political interests of the superpowers, primarily the United States. In recent years,

declining donor engagement in refugee situations, coupled with the peripheral place of much of the developing world in the international system, makes many host states especially vulnerable to both domestic and external pressures and shocks. Given the regional dynamics of many conflicts in Africa, Asia and Latin America and the inability of many host states to insulate themselves effectively from the spill-over of conflict, the prolonged presence of refugees becomes an increasingly important political issue, both domestically and regionally. This has led to a new political and strategic environment within which solutions must be crafted. In this sense, it is important to emphasize that the task is not simply to replicate past solutions, but to fashion new solutions, drawing on the lessons of the past, but appropriate to the new environment.

A striking feature of past comprehensive approaches to protracted refugee situations was the significant and important advocacy, implementing and monitoring roles played by NGOs. In the past, NGOs drew public attention to the plight of longstanding and often ignored refugee populations; challenged the status quo, especially the warehousing of refugees and the long-term care and maintenance programs in camps; lobbied governments and international organizations to attach political importance to resolving these situations; promoted durable solutions, including responsive resettlement programs, repatriation and local integration; and finally monitored the protection aspects of the comprehensive approaches adopted.

These and other important precedents demonstrate how comprehensive solutions may effectively respond to the challenges of today's 33 protracted refugee situations around the world. While each approach that I have mentioned used different combinations of the three durable solutions, they share the common feature of representing concerted efforts on the part of a wide range of actors to address the particular needs of individual refugee situations. This lesson is highlighted in UNHCR's Agenda for Protection, which emphasizes the need for "more coherence in integrating voluntary repatriation, local integration, and resettlement, whenever feasible, into one comprehensive approach, implemented in close cooperation among countries of origin, host States, UNHCR and its humanitarian and development partners, especially NGOs, as well as refugees."

Most significantly, the lessons from past comprehensive plans of action, such as Indochina and Central America, are that humanitarian efforts must be closely linked to political and diplomatic initiatives. Successful CPAs critically relied on external political initiatives that preceded and laid the foundations for humanitarian and development programs. For comprehensive solutions to work, countries of origin need stable central governments – ones which require considerable external support in order for new political roots to take hold. This necessitates not only humanitarian assistance but also coordinated engagement from a range of peace and security and development actors.

Increased external involvement in regions of refugee origin, comprehensive solutions to protracted refugee situations, and a more holistic approach to ensure effective refugee protection in the regions of refugee origin is not only the best way to meet the protection needs of refugees, but also is an effective way to respond to the concerns of host governments in the developing world and to address the concerns of Western states.

Such an approach would have many benefits:

- It would ensure effective protection in the region of origin, thereby diminishing the need for some individuals to migrate to the West to seek such protection;
- It would be structured around managed comprehensive approaches, thereby ensuring the predictability sought by Western states;
- And finally it would work toward the comprehensive solution of chronic refugee situations, thereby contributing to both the protection needs of refugees and the legitimate concerns of many countries of first asylum.

NGOs have a crucial role to play in the success of new approaches to protracted refugee situations today. In recent years, in cooperation with key governments NGOs have become major actors in their own countries and on the international front. The international campaign against landmines, the establishment of the International Criminal Court, the environmental movement and anti-globalization protests are all manifestations of the growing power of civil society, strong NGOs and grass roots movements worldwide. Just prior to this meeting, a number of NGOs, researchers and others met at the North-South Civil Society Conference on Refugee Warehousing to discuss concrete to exchange information and to strategize for the future. In a few days, ECRE member agencies will debate 'The Way Forward: Europe's Role in the Global Refugee protection System'. UNHCR too has taken initiatives, particularly through Convention Plus, the Somalia CPA and Afghanistan Plus, to develop more systematic and structured responses to long-standing refugee problems. These and other initiatives are important steps towards developing a partnership between northern and southern based organizations to build protection capacity in regions of refugee origin and towards building an action plan for improving the status of protection for those stuck in chronic refugee situations.

NGOs need to build on these and other initiatives to make the public, the media and policymakers aware of the shameful existence of so many protracted refugee situations around the world and to encourage their governments and the international community to take a more principled, holistic and global approach to improving refugee protection. This will involve a number of undertakings.

Primary amongst these are:

- promoting a better understanding of conditions in regions of refugee origin, including the impact of restrictive northern asylum policies on the asylum situation in the south;
- developing greater solidarity between NGOs in the South and the North;
- developing and implementing training programs and independent monitoring mechanisms that involve host governments and their civil societies on the issues central to providing protection for long-term refugee populations; and
- promoting durable solutions, including responsive resettlement programs and better targeted development funding for host governments that facilitates local integration and addresses the needs of both refugee communities and the host societies.

The scale and dimensions of the problem of protracted refugee situations today requires an urgent global response. The resolution of these problems will not be achieved easily or quickly. However, we should all remember and be encouraged by the fact that history contains repeated examples of hope, of resistance by organizations and individuals who have sought to achieve a more just and compassionate future. We have successfully resolved protracted refugee situations in the past and we can do it again.

In closing, I would also like to remind us all why we are here today and why we think our work on behalf of refugees is important. Our friend and colleague, Arthur Helton, who was killed in the suicide bombing of the UN in Baghdad two years ago, once wrote that "by solving refugee problems and dealing with the fears and insecurities that both give rise to refugees and animate refugee responses, we may begin to deal better with the insecurities that characterize the new century." I would add that refugees also matter because they are a litmus test of how tolerant and just we are as a society, as a nation and as an international community. On a personal level, I have always been inspired by the dignity, humanity and resourcefulness that refugees display in the face of great odds. Their courage has taught me to be courageous, and their ability to hope in seemingly hopeless situations has given me strength on my own road to recovery. If we believe in the importance of every individual who is a refugee and if we believe in the humanitarian ideals of Arthur, Sergio Vieira de Mello, and the hundreds of other NGO and UN staff members who have been killed or injured in recent years, we cannot permit protracted refugee situations to continue to exist.

ANNEX V

**OPENING STATEMENT BY MR. ANTÓNIO GUTERRES,
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES**

56TH SESSION OF EXCOM : 3-7 OCTOBER 2005

Mr. Chairman,
Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

I would like to welcome you all to the fifty-sixth session of the Executive Committee, particularly new members Ghana and Romania.

I would like to offer my congratulations to our Chairman, Ambassador Martabit of Chile, who replaced Ambassador Escudero Martinez of Ecuador in this role three months ago. I am extremely grateful and applaud his enthusiasm and dedication. I thank both for their hard work.

Ladies and gentlemen,

Two weeks ago the largest number of government leaders ever to assemble endorsed the 2005 World Summit Outcome, a step forward on the difficult path to world peace, security and development.

As in the UN humanitarian response system reform, this Office will be fully engaged in taking the Secretary-General's programme forward. I am extremely pleased that he will be with us this Thursday. He has kindly agreed to share his impressions of the Summit and the way forward.

Consensus has been reached in certain areas relevant to our work. In particular, the decision to establish a Peacebuilding Commission and the reaffirmation of the commitment to the Millennium Development Goals. We are hopeful that these decisions will lead to new opportunities for addressing the root causes of conflict leading to forced displacement.

At the same time, the Summit demonstrated the profound mistrust that still prevails in the international community. In areas crucial to the environment in which UNHCR operates, fundamental contradictions remain. Contradictions which the drafters of the Outcome tried – but finally were unable – to reconcile.

Ladies and gentlemen,

A non-political, humanitarian agency such as ours will often be at odds with that environment. Of necessity rather than choice, we can react in only one way. Facing complex situations we need a clear direction. Our mandate requires that we put the needs of refugees and others of concern before all else. Nothing other than this simple principle shall guide us.

This is why it is so important to reassert that we are, above all, a protection agency. A modern concept of protection emphasizes the need to create a space where rights can be enjoyed to the full and where the Rule of Law prevails. In that sense, all our actions must be protection-minded and be judged by their protection implications, and all staff members must see themselves as protection agents.

This is one of the main reasons for my proposal for an Assistant High Commissioner for Protection and the deep reorganization of our support services to the field for effective protection delivery to the people we care for. I look forward to future evaluation of the decision and will pursue a determined reform path of our structures, rules and procedures, as a basic tool for the necessary changes to the culture of the Organization.

My aim is to ensure that protection informs all our policies and infuses everything we do. Protection is the starting point for the lasting solutions we seek for people in our care, and the guide for our interventions in relation to women, children and the elderly. I want to reaffirm the Office's engagement to the Agenda for Protection. The same applies to the five commitments to refugee women (*participation of women in all management and leadership committees, individual registration of all refugee men and women, strategies to address sexual and gender-based violence, women's participation in the distribution of food and non-food items, and provision of sanitary materials to all women and girls of concern*) and the five priorities for refugee children (*prevention of separation from families, sexual exploitation, and military recruitment, ensuring access to education and recreational activities*).

Mainstreaming the effective implementation of our policies, guidelines and actions on gender, age and diversity is an urgent priority for 2006. The same needs to be done to eradicate enduring malnutrition and to substantially increase capacity to fight HIV/AIDS and other serious health risks. This exemplifies our broader view of protection. I see it also as a way of bridging gaps within UNHCR, creating links between protection and operations, and between Headquarters and the field.

As a protection agency, we are faced today with increasing challenges. Let me outline three of them: confronting rising intolerance in modern societies, preserving asylum in complex population flows and addressing the clear gap that still exists between humanitarian relief and development to make solutions last.

The first of these is perhaps the most difficult to address. We experience intolerance as private citizens. We read it in newspapers and hear it in the tone of political slogans. But the perverse impact is obvious where we work and is felt most keenly by the people we work for.

Intolerance for people from elsewhere, for strangers, for those who are different. Intolerance is fed by politicians in search of popularity and by media in search of increased market share. The rise of populism has led to a systematic and willful confusion in public opinion, mixing security problems, terrorism, migrant flows and refugee and asylum issues.

Preserving asylum means challenging the notion that refugees and asylum-seekers are the agents of insecurity or terrorism rather than its victims. Unfortunately, there are many situations today where the concept of asylum is misunderstood, where it is even equated with terrorism. Terrorism must be fought with total determination. But asylum is and must remain a central tenet of democracy.

I appeal to all of you, representatives of responsible governments, members of the active global civil society, international civil servants like myself, to stand together, joining our voices and our strengths, confronting this populist approach and promoting tolerance, reason and democratic values. As the German philosopher Jürgen Habermas points out, the basis for democracy is mutual recognition, everyone receiving the same level of respect and reciprocal consideration.

It is true that this is the moment when the number of refugees, as defined by the Convention, is at its lowest level in almost a quarter century. But the plague of internal displacement demonstrates all too clearly that racism, xenophobia, ethnic conflict, violent nationalism and religious fundamentalism are still alive and strong in our world today. We can defeat them only in the name of tolerance, not a value of any specific civilization but of civilization itself.

The second challenge – asylum and migration flows – relates to the first. Migration and security are regular features of public debate. Combined, they are exerting enormous pressure on asylum systems and legislation.

Preserving asylum requires that we be able to find those in need of protection when they are concealed by complex migration flows, as is the case in the Mediterranean and the Gulf of Aden. All states are entitled to the responsible management of their borders and to adopt appropriate migration policies. They should also act forcefully to eliminate the smuggling and trafficking of human beings and severely punish the profiteers. But guarding borders must not prevent physical access to asylum procedures or fair refugee status determination for those entitled to it by international law. A tough and uncompromising crackdown on abhorrent criminals must go hand-in-hand with a humanistic concern to protect their needy victims.

This involves advocacy and timely protection interventions, including access to mixed groups of new arrivals and improved screening of individuals, but also gathering and making effective use of information. Let me be very clear: measures against fraud and abuse are part of delivering protection and essential for the credibility of the asylum system. I am aware of the dilemmas often faced by governments, but my Office stands ready to assist all states with this process.

The third challenge represents a major problem for the international community. The lack of an effective link between relief and development remains as great a handicap for our work today as it was during the tenure of High Commissioner Sadako Ogata, who referred to it simply as ‘the gap’. The gap is not only an internal problem for the countries concerned. It also comes from dysfunctions in the collaboration of international institutions and can be exacerbated by the impact of different or even conflicting strategies of relief and development cooperation agencies, when poorly coordinated by some donor countries.

The absence of a transition from short- to longer-term assistance reduces the life expectancy of solutions. This is particularly true of repatriation. Large-scale population returns are difficult to sustain if development stalls and instability grows. Hard-won solutions may in fact be tenuous, even after years of effort to build them.

Roughly half of all post-conflict situations slide back into violence within five years. Prevention and post-conflict management are therefore both crucial to avoiding population displacement. This is why UNHCR is extremely enthusiastic about the advent of the Peacebuilding Commission. We intend to play an active role in the Support Office of the Commission. The consolidation of peace necessarily includes durable solutions for refugees and displaced persons.

We are not a development agency and we do not intend to become one. But, as part of the UN Development Group, we have raised awareness of the need to include refugees and displaced in national development planning exercises. UNHCR is fully committed to working with UNDP, the World Bank and other partners to help people of our concern become more productive and self-reliant during their displacement and well after their return, and to support the development process of countries of origin and refuge. In Afghanistan, Liberia, Sudan and now Somalia, durable solutions for refugees and other displaced persons are an integral part of the recovery strategies jointly promoted by the UNDG and the World Bank.

This is part of the conceptual framework underpinning Convention Plus: joining forces to tackle protracted refugee situations, adopting more comprehensive approaches to durable solutions, finding innovative ways to share burdens, and giving resettlement a new impetus.

Two region-specific examples of this approach: the Mexico Plan of Action is now in its implementation phase, making good progress in addressing the protection needs of refugees and internally displaced persons in Latin America. The emerging resettlement programme in South America will offer a durable solution for an increasing number of Colombian refugees. In Africa,

we hope the Somalia Comprehensive Plan of Action will work as a collective effort to seek innovative solutions to one of the most protracted refugee situations on the continent. We will debate both in side-events during ExCom, building ownership and support for these strategies.

Convention Plus must become part of how we resolve refugee problems today. As Convention Plus is mainstreamed it enters a new phase, when it will reach full maturity as our normal operating mode at Headquarters and field levels, covering all its different perspectives, from the new enhanced emphasis on the role of resettlement, to better support of reintegration and stronger advocacy for continued development aid to make return sustainable.

Ladies and gentlemen,

There is today a general consensus, underlined by the Humanitarian Response Review, that the inability to address internal displacement has become the single biggest failure in the humanitarian action of the international community. This is no longer acceptable. It is a major moral imperative and a growing concern for the global public opinion. I am fully aware that addressing internal displacement is the primary responsibility of the state itself and must remain so. But UNHCR has been accused in the past of lacking full commitment, of unpredictability, and of having a pick and choose approach. Whether this is a fair or unfair assessment is not for me to judge. What I can guarantee is that UNHCR wants to be fully engaged as a predictable partner in helping to fill this gap.

Last month's Inter-Agency Standing Committee discussions led by the Emergency Relief Coordinator supported in principle a clear delineation of responsibilities within the collaborative approach to internal displacement. UNHCR was tasked to lead the clusters on protection, camp coordination and management, and emergency shelter in a new framework to be applied for future emergencies. In existing situations, a flexible transition process, respecting the responsibilities and mandates of the different international actors, needs to be carefully considered. In this exercise, we fully recognize the autonomy of our non-UN partners, looking forward to a very fruitful cooperation.

There are two clear conditions to allow UNHCR's involvement with internally displaced persons at the request of the Humanitarian Coordinator, with the consent of the country itself. That we preserve the right of affected populations to seek and enjoy asylum, and the additionality of funding. Recognizing our role in mobilizing resources for internally displaced persons, we cannot divert funding intended for our work with refugees. We look forward to further discussions with ExCom on our role and will be counting on your support, as well as the efforts of the Emergency Relief Coordinator to meet these additional requirements, notably through a revitalized and upgraded CERF.

ERC Jan Egeland will be present today and I am grateful that he has accepted to participate in this afternoon's panel on internal displacement. A welcome opportunity to gauge where we stand now.

Ladies and gentlemen,

Last year UNHCR deployed 184 emergency missions to 24 countries on four continents. But an honest appraisal of UNHCR's present ability to face emergencies, when compared with that of the mid-1990s, reveals a diminished response capacity and agility. Several measures have already been taken and our clear operational priority today is to build up capacities so that by 2007, we will be able to assume a quick and effective response to unexpected refugee crises involving the displacement of up to 500,000 people.

The physical security of refugees and returnees remains high on our protection agenda, helping government efforts to deliver on their primary responsibility in areas that well exceed UNHCR's mandate and competence. As well as our support to national police forces which ensure refugee

camp security in countries like Tanzania, Chad, and Kenya, we have strengthened our cooperation with DPKO in key areas such as rule of law, mine action, and disarmament, demobilization, and reintegration.

Security for refugees but also security for our staff and partners. Like my predecessors, I am committed to ensuring that they can operate where we have to, while using every possible means to minimize risks to their physical safety. Minimum Operational Security Standards and training are fundamental. In collaboration with the eCentre in Japan, for example, we have introduced risk management tools which assist colleagues to weigh operational needs against the potential security risks. This training will be held for all Heads of Field Offices in November and December this year.

Ladies and gentlemen,

To meet the challenges I have enumerated today, UNHCR must demonstrate vision and results. It needs strong partnerships and a healthy funding base. It requires transparency, accountability and structural reform.

As many of you know, I accepted with great regret Mr. Kamel Morjane's resignation as Assistant High Commissioner to serve his country. We have started the selection process for the nomination of his successor in an open and transparent way. The same criteria will apply – pending the ExCom decision – to the new Assistant High Commissioner for Protection.

We have already taken action to strengthen the Office of the Inspector General and its independence. We will continue working with you to guarantee this by enforcing clear rules of non-interference and by sharing the results of inspections with stakeholders. Members of ExCom will now be able to access inspection findings and put additional questions to the Inspector General.

I am committed to establishing a results-based management system with clear objectives, a measurable process to achieve them and an organization-wide accountability framework. We have introduced a number of these elements already, but they need to be reinforced and truly anchored in our management culture.

For the first time this year we issued Global Strategic Objectives at the beginning of the planning cycle to instruct and guide the budget and programming process. We established a Results-Based Management Board chaired by the Deputy High Commissioner. Next year's budget strengthens our Organizational Development and Management Section and makes it responsible for coordination, facilitation and quality assurance of UNHCR's efforts to institutionalize RBM. Finally, we have expanded the scope of our information technology programme so that MSRP provides greater transparency, reduced reporting, better monitoring and management efficiency.

Structural reform will be a sustained process. Recent proposals presented to the ExCom linked to the creation of the AHC Protection are just the beginning. They will generate a centralized policy development capacity under my direct supervision. They will enhance the permanent coordination within the top management with a cabinet-like approach, as well as the responsibilities of the Senior Management Committee. They will establish new horizontal links between support services and operational command, strengthening the central role of the Bureaux which must be aware of all information related to field activities. All that with a 'zero-growth' policy for Headquarters staffing as new posts will be offset by discontinuations.

But the key instrument for future structural reform will be the definition of a workforce management strategy to address simultaneously the efficiency of the Office, the personal fulfillment and welfare of its members, and effective gender balance. This must go hand-in-hand with the simplification of reporting lines and the overall review of internal regulations in

administrative and budgetary procedures for increased transparency, accountability, and efficiency, together with the implementation of new, updated strategies for funding and communication.

Ladies and gentlemen,

Nothing that we do would be possible without the hospitality of the countries of asylum, some of them receiving hundreds of thousands if not millions of refugees, even with only limited resources and at huge risk to the environment. The same gratitude is due to the limited number of major donors who have been carrying the bulk of our funding burden. We will do our best to progressively enlarge our funding base with new relevant country donors and a stronger emphasis on private and corporate funding. That, of course, is and will not be immediately enough to avoid the appeals I have made to our major donors to explore ways of making additional contributions yet in 2005 to overcome our present shortfall. Austerity measures on the scale we will otherwise need obviously would have a direct negative impact on our activities and the well-being of refugees. UNHCR has enjoyed relative financial stability in recent years and it is important not to lose it.

In relation to next year, I am aware of the concerns on the fundability of the proposed 2006 Annual Budget. I share these concerns. But every effort has been made – and will be made – to prioritize activities and contain expenditures, particularly administrative costs, not as a blind technocratic exercise but always bearing in mind the pressing needs of the people we care for.

Ladies and gentlemen,

No single group does more for the people of our concern than NGOs. In 2004 UNHCR had 605 NGO partners, 453 of them national NGOs.

We count on you in all areas of our activities – emergency response, reintegration and protection. We will count on NGO expertise too as we become more engaged with internally displaced persons. But we want to have NGOs more and more as strategic partners, with a meaningful dialogue in the definition of objectives and policies.

We also want to increase NGOs input to our planning and programming cycle and in the frequency of our consultations, and we welcome your contributions to ExCom conclusions.

I want to express my deep appreciation for the excellent cooperation with our sister agencies and the Red Cross/Red Crescent movement. But it would be unfair not to express a very special word of gratitude to the World Food Programme for its permanent and devoted support to refugees.

UNHCR also has a long history of working with regional organizations in the search for durable solutions for refugees and displaced persons. The European Commission with its reliable support. The African Union, more and more active in promoting peace and security and the goals of the New Partnership for Africa's Development. The same must be pursued in Asia and the Americas. We are working closely with the Organization of the Islamic Conference to jointly organize a conference on refugees in its member states, and hope that this can take place in 2006.

Ladies and gentlemen,

Having been in office for three and a half months, I have had the opportunity to visit several field operations. I said earlier that we began 2005 with the smallest number of refugees in almost a quarter century. A major reason for this is of course the large repatriation movements. Several of these are in their full maturity as operations. Afghanistan is one example. This year nearly half a million Afghans have been assisted to return home bringing the total we have helped since 2002 to 3.8 million. For the fourth consecutive year this is the biggest voluntary repatriation worldwide, and voluntary repatriation remains our main priority. While mindful of the difficult political,

economic, and security conditions in that country, we need to maintain its momentum and count on your continued support for this.

The substantial number of remaining Afghans will present new challenges. The forthcoming Strategic Consultations, co-chaired with the US government and supported by the European Commission, will give us a chance to advance our collective efforts to address them. I look forward to visiting the region in mid-November.

In Africa, over half a million refugees will have returned home in 2005. UNHCR facilitated the repatriation of more than 38,000 Liberian refugees and provided material assistance and transportation for the return of 200,000 internally displaced persons. Angolans are also coming home in relevant numbers, concluding the final chapter of their exile.

This fall marks a decade since the Dayton Peace Agreement, which reaffirmed UNHCR as the lead humanitarian agency for the return and reintegration of refugees and displaced persons in the former Yugoslavia. At next year's ExCom I hope to be able to report that almost everyone who was chased from their homes by the war has either returned voluntarily or has settled where they are now.

Ladies and gentlemen,

Other conflicts tend to persist for long periods. In Colombia, internal displacement affects more than two million people. UNHCR has a leading role in protecting them as part of a collaborative approach to displacement, in addition to the protection of refugees in Ecuador, Costa Rica, Panama and Venezuela. Only small numbers have been recognized as such by national eligibility bodies but UNHCR is working on the strengthening of asylum systems and supporting host communities in the region.

As situations emerge from recent conflicts, and as I speak, we are gearing up for two large returns in Africa. South Sudan and Burundi are striving to consolidate peace and democracy. Hope for their large numbers of exiles and displaced is now at hand.

There is increasing optimism among Burundi refugees following the recent elections. The rate of returns from Tanzania during August and September doubled in comparison to the previous months, reaching 43,700 so far in 2005.

The international community must mobilize support for both the institutional buildup and the economic development of South Sudan, in order to create the conditions for sustainable returns, and commit itself to full engagement in support of the peace process for Eastern Sudan and Darfur. Especially in Darfur, a peace agreement is a basic precondition for security to be progressively reestablished, confidence and reconciliation promoted, so that a complex multiethnic and multicultural community is able to come together again and avoid a repetition of the terrible nightmare that shocked the world. Last week's event is a clear indication that this is a real threat, as a unique window of opportunity is in danger of closing.

In several circumstances, lasting solutions have been found and acute problems solved, or have marked genuine progress. This is the case of 12,000 Tajik refugees granted citizenship in Turkmenistan, positive developments with protection and solutions for Vietnamese Montagnards, as well as for the Myanmar in Thailand. Others last well beyond any reasonable measure, be it the Saharan refugees in Tindouf, the Bhutanese in Nepal, or the Rohingyas in Bangladesh.

In Iraq, many are still waiting for political stability. Central and southern Somalia is at an early stage of political reconstruction. Return to the Democratic Republic of Congo is slowly gaining momentum.

As some problems are solved, others unfortunately reemerge or represent considerable threats in the near future. Cote d'Ivoire, the Central African Republic and Myanmar require close attention. In countries like the Democratic People's Republic of Korea, violations of human rights also represent a root cause of population displacement.

I would like to close this brief overview of a few of our operations by returning to protection. Several developments this year illustrate the varied forms of our engagement and the divergent needs we encounter.

Events in Kyrgyzstan exemplified it. UNHCR provided humanitarian assistance and protection to some 450 newly arrived Uzbek asylum seekers after the violent events in Andijan in May 2005. In July and September, 439 Uzbek refugees were moved in a humanitarian transfer from Kyrgyzstan to Romania to ensure their protection and for eventual resettlement. Eleven others were later resettled directly from Kyrgyzstan. The resolution of this situation demonstrated exemplary support from human rights institutions, the international community and concerned states, illustrating the vital role of partnerships.

Recent tragic events in the Mediterranean and the Gulf of Aden prove the need to reinforce international cooperation on rescues at sea, especially the protection elements which these involve. My Office has been working with the International Maritime Organisation and is doing everything in its power to ensure that the global search and rescue regime is respected by states and commercial shippers. Refugees and any others in distress must be rescued, not imperiled.

Our great concern is how to deal with *bona fide* asylum-seekers concealed by migration flows while addressing legitimate concerns of governments in managing their borders. Progress in this area is sometimes hampered by lack of UNHCR access to target groups. I reiterate UNHCR's willingness and availability to cooperate with states in the regions affected – both North and South – to build capacity and ensure that those in need of international protection are granted access to asylum.

We will continue being very attentive to situations of direct or indirect *refoulement*, governed by bilateral agreements which disregard international law or by the treatment of *bona fide* asylum-seekers as illegal migrants.

This month we conclude the ten-year "CIS Conference" process. Even if gaps still remain, much has been achieved in helping countries build their own capacity and establish the necessary legislative and administrative tools for managing migration and asylum, even if the region still registers unresolved problems of internal displacement.

In the same spirit of dialogue, we are ready to help EU member states ensure that the transposition of EU asylum directives into national legislation does not represent a decrease in protection. Europe must remain a continent of asylum.

Finally, we welcomed Afghanistan this year as a signatory to the 1951 Convention and 1967 Protocol. There are very few countries in the world which know better how vital asylum and protection can be to people's lives than Afghanistan. Its commitment to refugees represents an admirable step in the country's progress towards peace and stability.

We also welcomed the accession to the 1961 Convention on the Reduction of Statelessness by Senegal, and I strongly encourage other States to consider acceding to the 1954 and 1961 Statelessness Conventions. UNHCR is increasing its efforts in this fundamental area of our protection work, both to raise awareness and to find practical solutions to end situations of statelessness, which severely affect the lives of millions of persons throughout the world.

Ladies and gentlemen,

I have outlined the concerns and priorities of UNHCR as a newcomer sees them. But anyone would understand these are challenging times for the Office. We have remarkable opportunities ahead of us too. Many more opportunities, though, will remain out of reach unless we are willing to take on the underlying causes of forced human displacement. In UNHCR we are dealing with the symptoms of a disease. But whether it is poverty and exclusion, any form of violent conflict, or massive violations of human rights, the challenge for today's world is to tackle the disease itself.

Thank you.

ANNEX VI

REVIEW OF THE ANNUAL CONSULTATIONS WITH NGOS DELIVERED BY THE NGO RAPPOREUR, JEMILAH MAHMOOD OF MERCY MALAYSIA TO THE EXECUTIVE COMMITTEE

56TH SESSION OF EXCOM : 3-7 OCTOBER 2005

Mr. Chairman, High Commissioner, Ladies, and Gentlemen,

OVERVIEW

This year's Annual Consultations with NGOs brought together some 303 participants representing 183 organizations from 76 countries. There were 156 males and 145 females, and 81 national NGOs and 97 international NGOs.

DISCUSSION

The deliberations will be presented in line with the broad key themes identified in this year's UNHCR-NGO annual consultations with a focus on key issues and recommendations for the next step forward.

I New trends and issues in UNHCR and NGO Partnerships

Participatory Assessment and Planning

Difficulties in partnerships between UNHCR and NGOs remain; and one of the root causes is the lack of shared visions and objectives. Participatory assessment can be a tool enhancing NGO & UNHCR partnerships with all stakeholders focusing on beneficiaries and having shared responsibilities. There are good models available, such as:

- Collaboration between UNHCR and the Thai-Burma Border Consortium (TBBC) in Thailand.
- Mexico Plan of Action with proactive collaboration between NGOs and UNHCR
- Joint Collaboration between Spanish NGOs and UNHCR

These should be documented as best practices to be shared and emulated by other NGOs and UNHCR.

NGOs, especially Southern ones, depend on UNHCR funding thus partnership is not equal. Southern NGOs should be given a platform to voice their concerns through constructive dialogue. NGOs have great experience and bring value to the partnership with UNHCR and it is recommended to develop Key Performance Indicators and Standards.

Gender and age issues are not taken into consideration and methods should be developed to ensure effective inclusion of all stakeholders.

UNHCR's New Role on IDPs

The protection of IDPs in UNHCR's mandate was unanimously welcomed. This will increase the load on UNHCR almost three-fold. Is UNHCR able to cope with this paradigm shift and the resulting human resource demand to implement this effectively? No clearly defined mechanism has yet been identified to manage this increase. UNHCR needs to address this issue urgently in order that it can take on its newly defined role in IDP protection. Participatory assessment should

be used to carry out IDP needs assessment. Although education is not a sector formally identified in IDP situations, it is a gap that deserves attention.

The IASC recognized that in emergencies there are gaps and lack of coordination in inter-agency response in the various sectors. Division of responsibility with cluster lead agencies identified as a measure to address this issue. As such, agencies have been identified as cluster leads for nine different sector groups. Implementation will commence from January 2006 and full implementation of the sector approach will only occur within the next two years.

The lead agency for each sector that has been identified will need to turn to NGO partners. As international NGOs are in a better position to establish strategic partnerships with cluster lead agencies, this may alienate the participation of local/national/southern/smaller NGOs and further decrease their capacity to participate. Lead agencies should recognize the role and importance of local/national NGOs and involve them in planning and implementation. There should be more dialogue with national and local NGOs which are infrequently given a platform to voice their concerns and issues.

Access and security is still very much the responsibility of the host government. UNHCR has an important role to engage governments to understand and facilitate this process for humanitarian actors. State participation at the Annual Consultations of UNHCR-NGOs should be encouraged to allow for more dialogue and understanding of this issue.

How does UNHCR remain accountable and what mechanisms are available to ensure this? NGOs may have a role to hold the UNHCR accountable.

Sexual and Gender-Based Violence

SGBV is an increasingly recognized problem and close collaboration between NGOs and UNHCR is important. Guidelines and tools are important and useful but sometimes the local context may not allow conventional guidelines to be adopted. All stakeholders need to be innovative in their approach and not restricted to one guideline. Best practices, for example the sexual assault referral centre run by the IRC in Sierra Leone should be documented.

UNHCR needs to consider provision of PEP (Post Exposure Pill) packs to the vulnerable population, especially women at risk of unwanted pregnancies.

II Guaranteeing the rights to seek asylum

Access to fair and transparent asylum and refugee status determination (RSD) procedures

The new RSD procedures are welcomed by NGOs as a move to encourage transparency. However, problems with unrealised standards and the long duration of time needed for procedures to be conducted prevail, e.g. in Kenya it can take between 6-12 months before RSD is finally conducted.

There is a shortage of UNHCR staff proficient in RSD leading to problems in interpreting the procedure accurately. In addition, interception guidelines from UNHCR are overdue.

It is important to recognise the importance and need for legal counsel and files and evidence should not be withheld. Ways should be found to distribute RSD procedures to local groups where email facilities are unavailable. UNHCR should allow for comments on RSD procedures and NGO input in the refining process. Training of UNHCR staff in conducting RSD is essential.

Detention – a last resort, not the only alternative

NGOs raised concerns with the justification of states that asylum seekers abscond if they are not detained. Is detention a deterrent and thus a migration management tool or a tool to counter abscondment?

“Alternatives to detention” were seen as other forms of detention rather than alternatives. Thus, the question arises whether detention is a rule rather than an exception.

There are concerns on the role of multinational organizations, such as IOM, in detention and whether their holding of migrants is tantamount to detention. The situation of detained Iraqi refugees in Lebanon was highlighted as an area requiring prompt research and intervention by UNHCR.

UNHCR should share more information on detention in its annual reports and updates. Information should be related to the observance of standards and guidelines as well as country-specific statistics where available. Information on best practices on alternatives to detention should also be shared.

UNHCR should initiate dialogue with IOM on detention and alternatives to detention requiring adherence to the available guidelines.

Civil society organizations and UNHCR should begin dialogue on detention and alternatives to detention. A Coalition on Detention has been formed and NGOs should be encouraged to join the coalition as a way of building solidarity and sharing information on detention situations.

The role of advocacy in ending detention was also recommended. A good step towards this was to ensure that where detention might occur or is mandatory, human rights are observed.

Return of persons not in need of international protection

The problems of people remaining in host country for a long time and then returning were recognised. There is an issue of fear of secondary movements.

There is a need to build bridges between the host country and the receiving country. Counselling should be provided for individuals and the receiving country should be supported. UNHCR should involve NGOs in their discussions with states to ensure readmission agreements and return programs are carried out with respect to human rights

III Realising Refugee Rights

Realising Refugee Rights

The campaign on refugee warehousing raised issues of importance on refugee rights but participation and opinions are still very Northern biased. There is a need for a conscious inclusion of national, local and Southern NGOs in future discussions. It is vital that all NGOs working with refugees have a clear understanding of human rights’ frameworks and instruments, and the relevance to their work which should be founded on a rights-based approach.

There is a need to actively educate all stakeholders including NGOs, legal fraternity, beneficiaries, business entities, labour organizations and government entities on human rights.

Anti-warehousing campaigns should be linked to poverty reduction strategies as well as the Millennium Development Goals. A human rights approach should be mainstreamed in to the education system.

In the CASWANAME region, partnerships between advocates, NGOs, refugees and UNHCR should be nurtured and consolidated to resolve the protracted refugee situation and shrinking asylum space.

Protracted refugee situations demand innovative measures to ensure that community needs and rights are met. Refugee communities must be empowered to have some autonomy in their camps and ensure the participatory approach is all-inclusive.

Self-reliance should be encouraged as early as possible and the rejection of self-reliance by a number of states should be addressed. Local integration is an option that states should be encouraged to look at positively. In this regard, NGOs are encouraged that states have reached agreement on the ExCom Conclusion on Local Integration, which is a step forward. The Somalian, Tanzanian and South African experience can highlight the use of local integration as a durable solution.

Strategic Use of Resettlement

Resettlement is recognised as one response to protracted refugee situations. Strategic resettlement should be part of a comprehensive plan that also includes other durable solutions for refugees not being resettled. UNHCR and NGOs should advocate for Northern countries to receive more refugees.

Resettlement provides relief to the refugees but excuses the host country from providing protection and durable solutions. When resettling refugees, UNHCR and states should consider benefits of peer support and community building to ensure successful integration.

There are concerns around two negative trends;

- resettlement as a temporary solution; and
- integration within a host country.

It is important to ensure that refugees have clear information on resettlement initiatives to manage unrealistic expectations and hardship as a result of misinformation. There is a need to focus on vulnerable persons and not necessarily those with leadership and technical skills unless they themselves are vulnerable.

Lessons learned and good practices by resettlement states should be shared with emerging resettlement countries.

Food Security & its link to Refugee Protection

Issues in ensuring food security should focus around the need for more accurate information to reduce gaps in the provision of aid. Coordination among UN agencies: UNHCR, WFP, FAO and collaboration between UN agencies and NGOs need to be improved. Joint assessments and combined analysis are tools that can enhance this.

It is imperative to reduce vulnerability of communities to exploitation (sexual, child soldier recruitment) by ensuring food security. There should be more accurate assessments and closer examination of the vulnerable population before the issuance of food cards.

A lack of sustainable food planning for emergency food situations results in food crises. There is a need to educate donors on funding for emergency preparedness.

Sensitivity to local culture and need for NFI for food preparation is essential. Food items must cater for specialised needs, e.g. addressing malnutrition up to the finer details of micronutrient deficiency.

OVERALL CONCLUSIONS

- There is an overwhelming recognition and support for UNHCR-NGO collaboration and partnership. This partnership should be put in place at an early stage; from planning through assessment and implementation.
- UNHCR should continue to compile a catalogue of good practices as a tool to which NGOs can contribute; for mutual benefit.
- It is important to develop benchmarks to measure the impact of good practice.
- UNHCR and partners need to identify pilot groups to promote implementation of good practice.
- Protracted refugee situations require innovative strategies to address community needs.
- UNHCR's role with IDPs is welcomed amidst concerns that it may reduce the agency's capacity to cope with protection.
- Active engagement with host and receiving governments, vulnerable populations as well as donors is necessary to achieve comprehensive and durable solutions.
- UNHCR and the NGO community need to focus on a common vision which should be the welfare and protection of refugees and IDPs in order to implement and allow for conclusions to be put into practice.

This year's Annual Consultations between UNHCR and NGOs began with a remarkable keynote address on Protracted Refugee Situations by Professor Gil Loescher, a Senior Research Fellow at the Centre for International Studies, Department of Politics and International Relations, in the University of Oxford in the United Kingdom.

In his speech, he addressed all the issues which have in fact become the major areas of concern throughout the course of the annual consultations. He aptly reminds us of his colleague and friend Arthur Helton who was killed in the suicide bombing of Baghdad two years ago who once wrote that "by solving refugee problems and dealing with the fears and insecurities that both give rise to refugees and animate refugee responses, we may begin to deal better with the insecurities that characterise the new century".

In closing, I would like to quote Gil Loescher who said, "Refugees also matter because they are a litmus test of how tolerant and just we are as a society, as a nation and as an international community".

ANNEX VII

STATEMENT OF NGOS TO THE GENERAL DEBATE

56TH SESSION OF EXCOM : 3-7 OCTOBER 2005

Mr. Chairman, High Commissioner, Ladies, and Gentlemen,

There are a number of issues of concern to refugee protection that NGOs would like to raise to EXCOM that we will address in our statement under International Protection. Given UNHCR's role with regards to internally displaced persons (IDPs), we would like to focus our comments now on these new developments.

There have been, for years, serious problems in the humanitarian response to IDPs. Various attempts have been made to address these problems, including the creation and strengthening of the IDP Unit, which later became the Internal Displacement Division, and the adoption of a revised inter-agency policy in 2004.

To date, these efforts have not brought about an adequate change in the response to IDPs, which is still characterised by a lack of leadership, accountability, and predictability in the system. The cluster approach, and the decision to designate UNHCR as lead in three of the clusters that are essential to the IDP response, can be seen as an important next step in addressing some of the weaknesses of the current system. NGOs welcome the fact that UNHCR has come forward to take the lead in managing these critical areas of response. We hope that the agency's depth of experience, particularly in protection, can bring much needed knowledge and expertise to situations of internal displacement. There are, however, a number of issues that need to be addressed by member states and the UN system. Otherwise, UNHCR is likely to face many of the same challenges seen to date.

The Role of Governments

In becoming involved with IDPs, UNHCR will depend on governments. Bearing the primary responsibility for the protection of IDPs, national governments must ensure unimpeded access for humanitarian agencies, in particular UNHCR, and ensure the safety of humanitarian staff, notwithstanding that, in some situations, state actors may be causing the displacement. In reality, humanitarian access is, at times, arbitrarily withheld and humanitarian staff face high levels of insecurity. States must uphold their obligations under International Humanitarian Law to ensure humanitarian access to the internally displaced.

The situation in the DRC serves as a prime example where too little is known about the plight of the Congolese IDPs, their numbers, or their needs. Due to the kidnapping of two humanitarian NGO staff near Bunia in June, medical assistance in the IDP camps around Bunia was suspended and the humanitarian presence outside the town extremely limited. In Zimbabwe, despite the recommendations of the UN Special Envoy sent to report on Operation Murambatsvina (Restore Order), the Zimbabwean authorities continue to obstruct and curtail the humanitarian operations of the UN and NGOs. What would UNHCR be able to do in such situations if it were involved with IDPs?

Given the need for increased financial resources for UNHCR to fulfil its new responsibilities, donor governments need to step up to the plate. As articulated in Principle six of Good Humanitarian Donorship (GHD), there is a commitment to "Allocate humanitarian funding in proportion to needs and on the basis of needs assessments," which should be fulfilled. The organisation will not be able to respond adequately without additional resources. We have come to understand that, even now, UNHCR is facing an estimated US\$92.6 million shortfall in its annual

budget and an estimated \$118.4 million shortfall in special operations. NGOs are highly concerned that without the additional resources required to respond to IDPs, the predictability of the response will fall flat.

A New Approach to Coordination

The cluster approach can be viewed as a new means of coordinating the response. At the same time, this new approach must focus on broader humanitarian needs, as many who are not displaced in conflict situations will have similar needs to IDPs. The overview of the relevance and impact of the response, with regards to the totality of needs, must not be lost. The clusters must be fully interwoven in a comprehensive strategy and protection must underpin all humanitarian efforts.

In implementing the cluster approach, national and local NGOs must not be excluded, which may be equally credible and as effective as their international counterparts. The approach must be sensitive to their capacities and their participation must be guaranteed in the coordination process.

Operationalising Protection

Humanitarian actors need to be realistic about their role in protection – in Darfur, even if there were large number of protection officers on the ground, they alone cannot stop attacks on the civilian population.

Many improvements can be made in the way in which protection by humanitarian agencies is provided. Protection and assistance must be part of a single strategy and all humanitarian staff should apply a protection lens in their work. Given that IDP protection has particular human rights aspects, all staff, and particularly protection staff, must understand the human rights and humanitarian law framework. Additionally, UNHCR will need to ensure that representatives will not be shy in confronting governments that may be failing in their obligations to their citizens.

The numbers of UNHCR staff who are well-versed and adequately experienced in IDP protection issues will likely require bolstering. The proposed standby Protection Capacity (PROCAP) could fill short-term staffing gaps, but UNHCR will need to build up its staffing capacity to adequately respond to IDP situations, particularly in terms of protection staff. The High Commissioner has emphasised, in his opening remarks, that implementing UNHCR's age, gender, and diversity mainstreaming strategy is a clear organisational priority. However, there has been no discussion or indication as to how this priority will be operationalised with relation to IDPs. We are concerned that the breakdown of the protection cluster into sub-clusters runs contrary to the principle of UNHCR's age, gender, and diversity mainstreaming.

Last Resort

UNHCR is to be the provider of last resort in each of its three clusters, but such a situation needs to be defined. If there is no other agency able to provide the response within the sector, what will happen if UNHCR does not have the adequate resources to provide the response? How will the predictability take shape when there are inadequate resources? This entire approach will be largely reliant on donors putting up funds and/or having adequate access to funds through the new Central Emergency Response Fund (CERF). With the CERF aiming to have only \$500 million in it, there will still be additional funds to adequately respond to IDP needs.

Determining Clear Criteria

UNHCR will need to establish clear criteria for when it will *not* get involved in an IDP situation. It has already been mentioned UNHCR will not get involved when its core mandate is under threat. It remains unclear how this principle will be applied in practice. NGOs are willing to work with UNHCR to clarify these criteria. What are the safeguards that will be put in place to ensure that UNHCR's core protection mandate will not come at the cost of these new added responsibilities?

Much of the discussion seems focussed on responses to large groups of IDPs in the same general location. We are interested in knowing what the response planning will be towards IDPs in small,

dispersed groups whose protection needs may be no less dire than those in collective situations of mass displacement. Moreover, what number of IDPs constitutes the critical mass triggering a response? While recognising that there are efficiencies in large numbers we must also recognise that smaller numbers of IDPs may need similar protection measures.

Collaborating with Partners

For this cluster approach to be put into practice, it must be brought to the field level. The discussions so far have been too focused at the headquarters level and largely have worked at bringing international NGOs into the process. Simply looking at the larger NGOs that spend the most money on humanitarian response skews the picture. Smaller, more specialised NGOs also have much to contribute to a humanitarian response. Local and national NGOs need to be brought into the discussions and deliberations, not least to build national and local capacity that may be sustained as the IDP situation moves to a long-term resolution.

NGOs welcome the High Commissioner's opening remarks, which noted that UNHCR would "count on NGO expertise" as the organisation gets more engaged with IDPs. Strategic partnerships will be key to ensuring that UNHCR puts in place the necessary systems in order to be able to better respond. One way forward in terms of ensuring such strategic partnerships might be to re-examine at the Framework Agreement on Operational Partnership (FAOP) as a potential model for further developing strategic partnerships with NGOs.

Specific Situations

We would like to end by highlighting a few of the more serious failures in the response, which require urgent attention.

In Uganda, it is estimated that there are more 2 million IDPs who are unable to return home because of insecurity. At the same time, many cannot move more than 5km from the camps in which they are living because of the insecurity, resulting in a high dependence on humanitarian assistance. Some 70% of the food comes from WFP. Medical services, even the most basic ones, are precarious and disorganised. A recent WHO mortality survey in the camps found a mortality rate of 1/10,000/day. Gender-based violence is a serious ongoing problem.

In the Democratic Republic of Congo (DRC), as noted above, humanitarian presence is limited as a result of insecurity, exacerbated by a wide range of actors. The estimates of IDPs are 2.17 million, but there is little understanding of their movements or needs.

The situation in Colombia has different patterns of suffering with an estimated 3.4 million IDPs. It is estimated that one in every 50 persons is displaced. IDPs from rural areas escaping from the violence of the conflict find themselves living in appalling conditions just outside of urban areas. Many IDPs are also almost inaccessible due to the conflict, leaving them isolated from any assistance. Theoretically, the Ministry of Social Protection is in charge of IDPs, enabling them to access to healthcare, basic goods, decent living conditions. Unfortunately, both a lack of information from the authorities and fear of being perceived as families of combatants keep many people from registering. Without this help, most of them live in total poverty, and without any access to help.

Nepal is another situation where access is problematic, resulting in a weak understanding of the humanitarian needs of IDPs. Without such access, assessments are inadequate to provide the necessary humanitarian interventions.

We hope that the new cluster approach will contribute to improving these and other IDP situations and that in taking the lead in specific areas, UNHCR will strengthen its strategic partnerships with NGOs.

Thank you.

ANNEX VIII

STATEMENT OF NGOS ON INTERNATIONAL PROTECTION

56TH SESSION OF EXCOM : 3-7 OCTOBER 2005

*Mr. Chair, High Commissioners, members of the Executive Committee and observers,
This statement has been drafted and is delivered on behalf of a wide range of NGOs.*

We first wish to welcome the new High Commissioner's emphasis on UNHCR's protection mandate, the protection of internally displaced persons and on gender issues both within refugee communities and UNHCR. We also thank the High Commissioner for his engagement with the non-governmental sector, particularly his stated commitment to including non-governmental organizations in the EXCOM Conclusions process. We are aware that deficiencies remain in enabling us to have a meaningful role in this process, but remain optimistic that these can be overcome.

Resettlement

Mr. Chair, we are pleased to see the increasing use of resettlement as a protection tool. We welcome the increasing number of States offering resettlement and expanding resettlement programmes, in particular the proposed European Union resettlement scheme. However, this must not replace state obligations to asylum-seekers arriving in their countries. Furthermore, we must ensure that the selection method used in any comprehensive plan of action or group resettlement, does not result in the creation of 'residual caseloads' of vulnerable refugees, including women and children at extreme risk, people with disabilities, low educational attainment and the elderly. Resettlement should be founded on the principle of resettling those in greatest need of protection and should not be used to select refugees according to 'integration criteria,' labour market needs or other non-protection criteria.

However, we caution against the resettlement of refugees from their country of asylum to a third country in a manner that prevents choice. We note with concern that in some places, refugees are being forced to resettle through the withdrawal of essential services and lack of any other viable option for survival. NGOs have expressed concern about these situations, such as the Vietnamese Montagnards in Cambodia. Resettlement must always be voluntary, without any form of coercion and States must respect the letter and spirit of the Refugee Convention and human rights law in providing effective, and where appropriate, durable protection to refugees in their territory.

Fair and Efficient Asylum Systems

We wish to echo the High Commissioner's concerns regarding "the increasing intolerance in society fed by politicians, in search of popularity, and media, in search of increased market shares", which has led to the deliberate conflation of asylum, migration, and security issues. The perpetration of the view that refugees and asylum-seekers are agents of insecurity and terrorism erodes public support for refugees, encourages racism and xenophobia, and undermines the institution of asylum. It is, therefore, imperative that resources be made available to UNHCR, States, and NGOs to work collaboratively to combat this worrying trend through public education and awareness-raising.

While we recognize that States are entitled to adopt appropriate policies on migration and security issues, we are deeply concerned that increasingly restrictive border protection measures, such as admissibility procedures, detention and off-shore processing, prevents access to asylum procedures and violates their human rights.

NGOs caution against the increasing use of bilateral or multilateral safe third country agreements. These agreements are problematic as, essentially, they authorise States to ignore an asylum seeker's particular circumstances in favour of a generalised determination of a third country's safety. This may mean that refugees are returned to a country that does not have proper status determination processes or where their rights cannot be guaranteed, breaching a State's *non-refoulement* obligations. Assessment that return to a country is safe should be based on substantive consideration of the individual circumstances of each asylum seeker, rather than on generalised country information.

Also troubling, is the increasing use of mandatory, indefinite and non-reviewable forms of detention to penalize and deter arrivals. In many countries, recognized refugees are detained for long periods because UNHCR documentation is not recognized or understood by local authorities. In some countries, police have detained recognized refugees who are not eligible for resettlement and refuse to release them until UNHCR can find a third country for them. Such measures inevitably end up punishing and further traumatizing the very people States are obliged to protect, namely victims of torture and persecution. We, therefore, urge UNHCR to redouble its efforts to work with States to implement UNHCR's revised Guidelines on Detention and combat the spread of arbitrary forms of detention. The prompt publication of UNHCR's thematic study on detention practices world-wide will greatly assist this process.

Furthermore, NGOs are concerned that the trend towards extra-territorial detention and processing increases incidences of arbitrary detention and undermines refugee protection. Signatory States, such as Australia and the United States, are already using offshore detention and processing 'solutions', where the accountability and responsibility for protection is weak and unclear, asylum systems lack capacity, access to legal counsel is inadequate and there is no right to judicial review. Equally troubling is Italy's practice of interdicting asylum seekers in the Mediterranean and forcibly removing them to Libya.

We welcome the *Conclusion on Complementary Protection*, as it provides valuable recognition of the protection needs of those who do not fall within the 1951 Refugee Convention and 1967 Protocol, but still have compelling protection related needs under international human rights treaties. We look forward to working with UNHCR to develop guidelines setting out the indicative criteria for complementary protection and procedures for status determination.

UNHCR has now for the first time published comprehensive guidelines on its procedural standards for refugee status determination; an important step forward that recognizes the importance of legal aid, greater transparency and the need to provide reasons for rejections. We are concerned, however, that UNHCR continues to withhold much of the evidence used in refugee status determination from the applicants concerned. There is still no clear plan to develop an independent appeal system and some of the standards are so broad that they can be watered down at the discretion of local officers.

In this regard, the role of information is essential to ensuring better protection. We call on UNHCR to make available Annual Protection Reports and Country of Origin Information to its partners.

Effective Protection in Host Countries

The draft *Conclusion on Local Integration* could mark an important step forward in reviving the role of local integration as a durable solution. Far from being a burden, refugees have valuable skills and capacities and can make a significant contribution to their host countries. It is in a host State's interest to integrate refugees and involve them in national development plans and we congratulate those States that have done so.

Importantly, the Conclusion recognises the value of self-reliance in developing refugees' economic and social capacity, in order to meet their essential needs on a sustainable and dignified basis.

Promoting self-reliance is vital in affirming the rights contained in the 1951 Convention, such as the right to enjoy freedom of movement, engage in wage-earning employment, and acquire property. It should be emphasised that self-reliance is desirable, even where a durable solution is not immediately available. This is particularly important in the context of protracted refugee situations. However, self-reliance should be understood as a tool to achieve a durable solution, not as a solution in itself. We must also recognise that marginalised groups, such as female-headed households, people with disabilities and the elderly, for whom self-reliance is not an option, require special assistance. Hence, we caution against the withdrawal of assistance prior to the achievement of sustainable self-reliance.

The impact of premature withdrawal of assistance can be seen in relation to food security, for example, the prolonged situation of over 165,000 Saharawi refugees in Algeria who continue to be confined to camps and lack any meaningful opportunity to earn livelihoods. Contrary to the memorandum between WFP and UNHCR and obligations in the 1951 Convention, WFP and UNHCR threaten to exacerbate the situation by reducing humanitarian assistance by almost half. This has led to acute increases in malnutrition and anaemia. We call on UNHCR to reconsider this decision and ensure that food aid is provided in quantities commensurate with international standards.

Congolese refugees in three camps in North Western Tanzania also face similar difficulties, since WFP cut food rations at the end of last year. The creation of such insecurity leads to sexual exploitation and violence, for example women being raped when they leave the camp to find food or being forced to exchange sex for food. The international community must adhere to previously made commitments to refugee food security.

Many urban refugees do not enjoy access to a legal status or to basic economic, social, and cultural rights, such as the right to work or to adequate housing. Many urban refugees around the world fall into a “protection gap” and are thereby rendered invisible to the international community. Unaccompanied minors living in are particularly vulnerable to abuse. Urban refugee women and girls face problems of sexual and gender-based violence, are often forced into prostitution, or fall prey to traffickers. In many cases, they are unable to access UNHCR offices. NGOs call on States to commit to respecting and protecting the rights of all urban refugees on their territories, with specific attention being paid to particularly vulnerable refugees, including women, children, and the elderly. We appreciate UNHCR’s consultations with NGOs during the revision its urban refugee policy. Swift adoption and implementation of this policy would constitute a significant step forward.

Protection needs of particular groups

Child protection must be an integral part of every humanitarian response, in accordance with the human rights instruments, including the Convention on the Rights of the Child. All children formerly associated with armed groups must have access to comprehensive service provision including psycho-social, healthcare and education.

Displaced women and girls are at risk of rape and harassment and are often forced to prostitute, or to stay silent following rape and sexual assault in order to survive. This frequently results in rejection and stigmatization by family and community members and has horrific consequences for the physical and mental health of refugee women and children. However, they often lack access to adequate treatment and protection, both in countries of first asylum and resettlement countries. We urge States, and particularly countries of first asylum and resettlement countries, to identify and respond to those women and girls at extreme risk, and to ensure that refugee women and children have access to a range of appropriate protection measures, including medical and psycho-social services.

We also recognise that the varied causes of sexual and gender-based violence require preventative responses. We encourage UNHCR to undertake an assessment of the root causes of sexual and

gender based violence with a view to developing and implementing strategies, including direct activities with perpetrators, to reduce the prevalence of sexual and gender based violence.

Despite the international community's knowledge of widespread sexual and gender-based violence in refugee situations, little is known of the special issues faced by refugee women and their children born of rape. There are reports of women and their children being stigmatised and expelled from their communities, of husbands rejecting their wives, of unsafe abortions and babies of rape being abandoned or killed. Little is known about the impact of bearing a child or children of rape on the integration experience of refugee women following resettlement or repatriation. The international community must recognise this issue and undertake comprehensive research to more thoroughly understand these issues.

We would like to draw the Executive Committee's attention to the unique position of forcibly displaced Palestinians. Millions of Palestinians fall into a gap with no access to any form of international protection. In this regard, we call on all actors to redouble their efforts at addressing this gap for Palestinian refugees. UNHCR, governments and other UN agencies should ensure Palestinian refugees' protection under the 1951 Refugee Convention to Palestinian refugees in light of the inclusion clause of Article 1D. Of continuing concern is the lack of protection provided to Palestinians under UNRWA's mandate, as well as those new IDPs created by the destruction of refugee camps and the illegal wall under construction.

There are also major concerns about the humanitarian situation in the Caucasus: the extreme living conditions and the difficulty of access lead to an inability to adequately assess the situation in various regions. The coming winter period increases the risk of vulnerability. The security situation continues to be a serious issue for humanitarian organisations. Although Russian authorities recently stated that the number of kidnappings in the Caucasus has decreased, the Chechen and other Caucasian populations continue to be the victims of this lucrative practice.

The risk of kidnapping also endangers humanitarian assistance. Movements are still very much hindered, thereby limiting the scope of humanitarian programs. More than a year after the release of one MSF colleague in Dagestan, the NGO is still confronted with the aftermath of his kidnapping. Even though the final release was negotiated between the Dutch government and the Russian authorities, MSF is currently being sued by the Dutch government for the payment of the ransom. From an NGO perspective, we consider that MSF would do all that is required to ensure the safety of their personnel. However, that does not include responsibility for a ransom agreement that was made between the Dutch government and the Russian authorities. This court case, taking place in Geneva, is unprecedented and does not address the issue of the kidnapping of a humanitarian worker, but aims to absolve a government's commitment to pay the criminals by suing an NGO.

Finally, we are encouraged by some of the outcomes of the 2005 General Assembly Summit, particularly the commitment by States to the Millennium Development Goals. While many of the Goals and targets relate to refugees, refugee concerns are not directly addressed. We thus urge UNHCR to concentrate on the Goals to bridge this divide and strengthen protection measures through the integration of humanitarian and development aid. We also welcome the decision to create a Peace Building Commission, strengthen human rights machinery and establish a Human Rights Council and we call on the international community to ensure that this will strengthen the international protection of persons of concern to UNHCR.

Thank you.

UNHCR Liaison Unit
94 rue Montbrillant
1202 Geneva
Switzerland
Fax : +41 (0) 22 739 73 02
Email: NGOUnit@unhcr.org
Web: www.unhcr.org

