

Report
on the
Meeting with Non-Governmental Organizations
prior to the
Fifty-second Session of the Executive Committee of UNHCR

*24 - 26 September 2001
Palais des Nations
Geneva, Switzerland*

Abstract:

This report provides highlights of the proceedings of the annual Pre-EXCOM meeting which brought together over 200 representatives of 168 NGOs, UN, and international organizations to examine a broad range of operational issues of concern to participating agencies. The three-day meeting featured over 40 hours of events arranged in plenary sessions, panel discussions, regional and thematic working groups, and working lunches. Four main panel discussions examined the issues of UNHCR and partnership with NGOs, the role of NGOs in refugee protection, migration, human smuggling and asylum, and IDPs.

An evaluation of this consultations is now being completed and will be shared in the near future with participants.

The following summaries are also posted on the web at www.unhcr.org and www.icva.ch

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October 2001

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Opening Remarks to Pre-ExCom

The annual Pre-ExCom Consultations were held in Geneva, from 24-26 September, with 168 national and international NGOs registering and over 200 persons attending. This report provides a summary of all sessions, as well as reports to the Executive Committee.

1. Mr. J. Horekens, Director, Division of Communication and Information, UNHCR

Mr. Horekens welcomed the NGOs to the Consultations, noting the theme of partnership for the meeting and the increased emphasis by UNHCR on operational aspects of partnership. The agenda for these consultations had been prepared jointly with the International Council of Voluntary Agencies (ICVA) to allow more substantive discussion of key issues. He also announced that the UNHCR website would soon include a new section on partnership.

2. Mr. E. Schenkenberg, Co-ordinator, ICVA

Mr. Schenkenberg added his welcome to participants of the meeting, emphasizing that these consultations are taking place at a time of impending crisis in Afghanistan. Borders have been closed and international staff have left Afghanistan. Discussions of UNHCR-NGO partnership need to move beyond a contractual understanding of partnership and to concentrate on concrete actions. In order to be true partners, NGOs need to improve their own co-ordination and to further develop their humanitarian response. NGOs have been active in the Global Consultations on International Protection and will organize a meeting on 11 December, preceding the Inter-Ministerial Meeting.

3. Mr. C. Sanders, NGO Co-ordinator, UNHCR

Mr. Sanders, new to the post of Co-ordinator in the NGO Unit in UNHCR, noted that in an increasingly complex humanitarian world, it is more important than ever for NGOs and UNHCR to develop effective means of working together. He emphasised that he came to the Pre-ExCom Consultations with a wish to listen and to learn about the concerns of NGOs. Making reference to PARinAC, he said it needed to be reassessed and revived. He extended thanks to all those who have worked to prepare these Consultations.

Guest Speakers

4. Mr. R. Lubbers, UN High Commissioner for Refugees: UNHCR and partnership with NGOs

Mr. R. Lubbers, UN High Commissioner for Refugees, began by underscoring the increasing importance of NGOs and civil society in humanitarian work. He noted that while UNHCR values its partnerships with NGOs, there is a need to strengthen this partnership. He reaffirmed that protection is central to UNHCR's mandate and that protection is only fully effective if durable solutions are found for refugees. In partnership with NGOs, UNHCR is therefore working together to find durable solutions. Mr. Lubbers noted that the lack of durable solutions is resulting in two "non-solutions" for refugees: protracted stays in refugee camps and the fact that out of desperation, some refugees are turning to criminal smugglers. He noted that asylum-seekers are doubly victimised when they turn to traffickers and that the relationship of asylum and migration is emerging as a central theme in discussions. Finally, he emphasized funding shortfalls, which affect the quality of UNHCR's work, suggesting that criticisms may be affecting donor support to the agency.

NGOs raised a number of concerns related to the present situation in Southwest Asia, noting the need for effective co-ordination of the humanitarian community in response to the emergency. Mr. Lubbers emphasised that co-ordination is proceeding well and that UNHCR has adopted a regional focus to the situation. The impact of increased refugee movements to Pakistan, the need for greater attention and resources to refugees in Iran, and the possibility of providing temporary protection to Afghan refugees were all raised by NGOs. Mr. Lubbers was

called upon to use the moral authority of his office to speak out against growing xenophobia in the aftermath of the events of 11 September. The High Commissioner affirmed that he was doing this and would continue to do so. Mr. Lubbers expressed concern about the humanitarian consequences of a possible attack on Afghanistan. NGOs supported the need for partnerships in protection and continued their support for the Reach Out training programme. They asked for greater consultation with NGOs when UNHCR closes offices. Many NGOs stressed their support for a strong UNHCR. The close relationship between protection and assistance was emphasized as was the importance of doing more to support local integration and to address root causes of refugee flows, particularly for longstanding “forgotten situations”.

**5. Ms. M.A. Wyrsh, UN Deputy High Commissioner for Refugees:
Strategic management challenges for UNHCR and NGOs**

Ms. Wyrsh focused her speech on strategic management challenges facing both UNHCR and NGOs in a time of funding shortfall. As a result of the financial crisis, UNHCR is in the process of reviewing and re-prioritizing its activities, an exercise referred to as Actions 1, 2 and 3 aiming at reducing budgets and staffing levels. The challenge for UNHCR and NGOs is how to meet the needs of beneficiaries most effectively and cost-efficiently.

She was well aware of the fact that NGOs had been hit hard as a result of UNHCR financial difficulties and acknowledged the need to improve UNHCR’s management practices. In various areas, such as programme management, reporting procedures, information technologies, financial and personnel management, improvements were already on their way. More specifically; country operation plans are more focused on the impact of operations than on activity-driven planning. A meeting was held in May on results-based management with 25 NGOs to discuss how to improve co-operation. Gradually, the idea was also filtering through into the global operations management. Work is also being done to develop better and simplified information technology systems and to improve the budget priority-setting systems.

In the area of human resources, the organisation has launched a voluntary separation programme and an early retirement programme in order to “right-size” the organisation. Ms. Wyrsh was particularly concerned about improving the way in which NGOs and UNHCR could jointly report on the impact of UNHCR’s programmes and she mentioned that the UN Board of auditors has decided to qualify the UNHCR’s accounts for last year. She ended her speech by emphasising how important it was for UNHCR to improve its interaction with NGOs and encouraged participants to share their views during these consultations.

Panel Discussions

**6. UNHCR's Response to Global Protection Challenges:
The role of NGOs in refugee protection**

Panelists: Ms. E. Feller, Director for the Department of International Protection (UNHCR), Ms. M. Green (IRC) and Ms. A. Gitari (Refugee Consortium of Kenya), Chair: Mr. M. Griffiths (CHD)

Ms. Feller (UNHCR) gave an update on The Reach Out initiative launched by DIP three years ago in order to broaden protection through strengthened advocacy efforts with “non-traditional” partners. Strengthened partnership on protection was not uncontroversial, both within NGOs and inside UNHCR. The question was raised whether NGOs should carry out physical protection and legal activities – including refugee status determination - on behalf of UNHCR. While some concerns remain, it is clear that NGOs, through their field operations are in a unique position to understand and analyse refugee issues and concerns. Protection initiatives are being developed, including the “Protection Surge Capacity Project” enabling NGOs to engage in field protection when UNHCR cannot fill posts, when needs are short-term and urgent, but it is not an emergency. A framework agreement has been agreed with the International Rescue Committee to deploy “external protection experts”. Other partnership initiatives include co-operation on sexual and gender-based violence with a US consortium including various NGOs; work on the rights of children with Save the Children International in Africa, CIS, Central Asia, Balkans and

the CASWANAME area; co-operation on refugee status determination, e.g. with Jesuit Refugee Service in Cambodia; legal clinics in Central Asia; the deployment in resettlement and the related Conference on Resettlement of Refugees. All these demonstrate that NGOs can be key players in protection-related activities. Finally, Ms. Feller paid tribute to the active involvement and constructive role and input of NGOs in the complicated and resource-intensive Global Consultations on International Protection.

Ms. Green (IRC) presented a reflection on how better to protect refugees and IDPs from a field based operational perspective. She used various examples from her experience to illustrate how improved communication could concretely enhance refugee protection, noting an example from Albania involving the presence of armed elements in a refugee camp. Since HCR was not present the NGOs informed HCR who removed the armed elements. This was one of many examples showing that NGOs are often in a better position to discover protection-related problems given their wide-spread presence in the field. All that is needed sometimes, is passing on information. As UNHCR is chronically understaffed it needs to be in regular contact with NGOs to be made aware of protection problems. NGOs also internally need to improve their communication and seek solutions on protection issues. Given that protection is usually not the expertise of NGOs, it is crucial that HCR is more willing to share information and provide training on protection-related matters so that NGOs know better what to look for. A better sense of trust and common commitment is needed as well as respect for each other's work and mandate.

Ms. Gitari (RCK) spoke on the increasingly complex refugee protection situation in Eastern Africa. Noting the decline in protection standards in Africa she stressed that women and children, constituting 80% of the refugee population, remained to be a particularly disadvantaged and vulnerable group. Given that States and UNHCR cannot cope with the humanitarian crisis alone, NGOs continued to play a significant role. In fact, despite their problems to attract sufficient funding, NGOs are engaged in many activities and initiatives geared towards refugee welfare and protection. Ms. Gitari stressed also the need for NGOs and advocates to reassert the language of refugee protection as being rights-based and not a charitable humanitarian act. She outlined the activities of several NGOs and introduced the network of centres on forced migration established by universities in Kenya, Uganda and Tanzania. In her conclusions she highlighted the need for improving information-sharing and collaboration as well as the need for training. While more needed to be done, she believed NGOs had achieved a lot despite numerous constraints. She ended her presentation by providing a series of recommendations for NGOs and partners serving refugees.

7. Migration, Human Smuggling and Asylum

Panelists: Mr. W. Brill (UNHCR), Mr. G. Appave (IOM) and Mr. J. Morrison (Human Rights Consultant), Mr. J. Crisp (UNHCR), Chair: Mr. W. Canny (ICMC)

The meeting was opened by Mr. Canny (ICMC) who welcomed the fact that a discussion on migration was taking place at a refugee forum despite refugee NGO reluctance to engage in a debate on migration.

Mr. Brill (UNHCR) focused on the existing international legal framework referring to the June meeting of the Global Consultations and the discussions relating to the interface between asylum and migration. Although the 1951 Convention was not designed to deal with smuggling, Article 31 recognises that asylum-seekers may have to resort to means of illegal entry, including by way of smuggling. The international legal regime for both smuggling and trafficking is now contained in the UN Convention on Transnational Organised Crime and the two supplementary Protocols against trafficking and smuggling. The UN Protocol against smuggling of migrants is designed to combat criminal smuggling and to punish the smugglers, not the smuggled person. It also contains important provisions for the protection of smuggled persons.

Mr. Crisp (UNHCR) pointed out that the vast majority of people who would be refugees do not have the means to move from their desperate situations. Massive amounts of money are spent

on asylum-seekers while huge numbers of potential refugees receive only few resources. He called for realism: the current restrictive regime was here to stay. Creative ideas were needed, particularly in the removal of the root causes of forced migration. However, poverty and instability were often deep-rooted. He challenged the idea that opening up regular channels of migration might decrease irregular migration.

Mr. Appave (IOM) agreed that one cannot talk about migration and asylum as separate phenomena. He stressed the importance to acknowledge the fact that peoples motivations for leaving their countries are mixed. The distinction between asylum seekers and other migrants was therefore not always apparent. Reality shows that governments limit the access to their countries. People are therefore tempted to present themselves as asylum seekers although they may have other reasons to have left their country. He called for a better and more meaningful dialogue on migration and asylum and for more accurate information on people movement and more transparency in decision-making.

Mr. Morrison (Human Rights Consultant) focused on the NGO role in the migration/asylum debate. He emphasised that the wider migration debate has a profound impact on how refugees and asylum-seekers are framed in many Governmental initiatives and there are few Governments that do not regard refugees as de facto migrants in terms of their impact on transit countries and host communities. The wider migration debate has brought about a range of policies affecting refugees and migrants alike: visa policies; readmission agreements; carrier sanctions; airline liaison officers. He agreed that NGOs must support Governments in combating criminal gangs engaged in human smuggling but called for vigilance so that anti-smuggling initiatives would not have adverse consequences for bona fide refugees.

During the discussions one NGO argued that more had to be done to alleviate the desperate situation of refugees in camps because it would help reduce the desire to move onward and the resort to smugglers. NGOs also stressed the need for more and better research on migration including an analysis of the root causes.

8. Regional Refugee Topics

• Africa - Durable Solutions

Speakers: Mr. K. Doherty (UNHCR), Mr. M. Ndiaye (OFADEC, Senegal), Ms. J. Tlou (National Consortium for Refugee Affairs, South Africa), Mr. M. Yogogombaye (Chad), Chair: Mr. E. Schenkenberg (ICVA)

UNHCR and NGOs have a responsibility in supporting African governments in finding durable solutions, and if these are not available, in helping them to ensure full implementation of the rights of refugees. There was consensus on the need to improve the quality of asylum in many African countries. Refugee situations require a much more in-depth and comprehensive involvement of the international community than is the case today. The root causes of the refugee problem, which, among others, include the flow of arms, the diamond and oil trade, the exploitation of natural resources, and the debt burden, must also be addressed as a matter of priority. In relation to voluntary repatriation, it was noted that many of recent peace processes in African countries have not been implemented. As a result, many refugee crises have become protracted since refugees have been unable to return home. It was noted that local integration was fraught with problems and often hindered by lack of arrangements for naturalisation. It was mentioned that opportunities for resettlement must be enlarged. As a positive step in Africa, it was noted that two West African countries have begun to offer resettlement places.

• Americas - Sustainability of NGOs (Capacity-building, Fundraising, Co-operation)

Speakers: Ms. H. Hanlan (UNHCR), Mr. F. Rico-Martinez (Canadian Council for Refugees), Mr. C. Avila-Rincon (PROVEA, Venezuela), Chair: Ms. M. Thomas (ICVA)

Ms. Hanlan (UNHCR) noted UNHCR's duty to provide NGOs with the "tools of the trade" through a systematic approach towards NGO partners. Such an approach would mean that each UNHCR office would have a plan of action to empower NGOs that would ensure that they become self-sustaining and have access to donor funding. NGOs pointed out the need to re-

think the way in which capacity building is carried out, moving away from a project approach, where the focus is often on operational skills, and moving towards a longer-term process accompanied by guaranteed funding. Capacity building should depend on the analysis of needs identified by local NGOs instead of imposed Northern “recipes” for capacity building. The need to develop regional networks to ensure the exchange of information on various areas, as well as developing regional NGO co-ordination, was stressed. Questions were raised regarding government funding and it was suggested that in certain situations, guidelines would perhaps be useful to help ensure the independence of NGOs.

- **Asia and the Pacific - Assistance to Returnees and Beyond**

Speakers: Mr. J-M. Fakouri (UNHCR), Mr. R. Salcedo (Community and Family Services International, Philippines) Ms. M. Piper (Refugee Council of Australia) Mr. N. Uruthira Moorthy (Sri Lanka), **Chair:** Mr. C. Sanders (UNHCR)

Mr. Fakhouri (UNHCR) provided a brief overview of the Action 1-2-3 process and the effects of this review on UNHCR's activities globally and specifically for the Asia-Pacific. On assistance to returnees, he underscored the complex demands of the return process, citing examples of UNHCR's activities in Myanmar and East Timor. Mr. Salcedo (CFSI) highlighted some of the challenges to successful reintegration of returnees and cautioned against a piecemeal approach. With several examples, he cited the need for more social preparation, which promotes acceptance; the need for conditions that enable the return and a need to focus on activities that stabilise the return process through providing livelihoods. Mr. Moorthy (refugee guest speaker) in brief, but eloquent and compelling remarks, reinforced the need for physical security and an environment of trust at the community level, noting, too, the need for livelihood. Ms. Piper (RCA) provided an insightful overview of the troublespots within the region, emphasising of the recent concerns and debate in Australia on the issues sparked by the Tampa affair.

- **Europe - Building Bridges for Tolerance**

Speakers: Mr. A-W. Bijleveld, (UNHCR), Ms. A. Sianni, (ECRE), and Mr. D. Jashani (Kosovo), **Chair:** Mr. S. Russell (ICVA)

The meeting focused on the need to build tolerance for refugees. This was important for three reasons: to ensure access to asylum; to ensure high reception standards for refugees as well as successful integration into a host state. In the light of the events of 11 September in New York, there was a general agreement that advocacy for refugee protection had to be intensified to ensure that negative effects were kept to a minimum. It was emphasised that good integration of refugees led to successful return and reintegration. However, if return was to be successful, efforts also had to be made to foster tolerance.

- **Central Asia, Southwest Asia, North Africa and the Middle East - Burden Sharing**

Speakers: Mr. E. Menemencioglu (UNHCR), Ms. M. Haddad (AFAD, Algeria), Mr A. Ben Hassen (AIHR), **Chair:** Mr. C. Sanders (UNHCR)

The session began with a thorough and insightful brief by Ms. Haddad (AFAD) of the particular challenges faced by Saharwi refugees in Algeria and the approach and achievements of national NGOs. Mr. Ben Hassen (AIHR), the Regional PARinAC Focal Point, shared remarks on the challenges facing many national NGOs, emphasising the capacity-building strategies must be strategic in nature and not be limited to workshops and development of guidelines. Importantly, he noted that many national NGOs need UNHCR's experience as much as they need financing. Mr. Menemencioglu (UNHCR) provided a brief, insightful overview of challenges facing the region under his responsibility, especially with the unfolding crisis in Afghanistan.

9. Internally Displaced Persons (IDPs): Implementing the Guiding Principles

Panelists: Mr. P. Bonard (ICRC), Mr. K. Asomani (OCHA), Mr. G. Bettocchi (UNHCR), Mr. M. Vincent (NRC), Mr. S. Bagshaw (ORSG/IDPs), **Chair:** Mr. J. Crisp (UNHCR)

Since 1998, the Guiding Principles on Internal Displacement have received growing support from the human rights and humanitarian community. As highlighted by all Panelists, their value

as a useful tool for the dissemination of standards and training relating to the treatment of internally displaced persons has been widely acknowledged by international, national and local actors. UN agencies, ICRC and the NGO community made a decisive contribution to elaboration of the Guiding Principles.

Panel participants, however, underlined that the implementation of the Guiding Principles at the field level remains the main challenge. While States bear the primary responsibility for taking care of the internally displaced persons, many of them have been the main cause for the plight of the displaced in particular in situations of armed conflicts. Large-scale violations of basic rights have often obliged humanitarian organisations to prioritise among the needs and to compromise with standards set in the Guiding Principles. In addition to these dilemmas encountered in the field, some States have occasionally questioned the status of the Guiding Principles, despite the consistent support given in international and regional fora. The decision taken by UN Secretary-General in April 2001 to create a Special Unit on Internal Displacement was considered by members of the Panel as a unique chance to improve the response of the UN system in line with the Guiding Principles. Though “non-operational”, the Unit will contribute to monitor the UN response to assistance and protection needs of the displaced in the field and provide support to address the gaps. Some NGOs expressed their concern that recommendations formulated by the Unit may not have a significant impact given the lack of efficient co-ordination in the IDP response at field level.

Panelists emphasised the indispensable role in the promotion and implementation of the Guiding Principles played by NGOs who have been among the first to use the Guiding Principles as an operational tool for monitoring, assessment and advocacy activities. Several NGOs insisted that the protection of IDPs would be better served through a collective approach from the human rights and humanitarian community and an efficient partnership between the UN agencies and NGOs. The involvement of the internally displaced themselves in a search for solutions was highly encouraged.

Working Sessions

10. Capacity-Building of National NGOs (NNGO)

Speakers: Ms. A. Binega (Africa Humanitarian Action), Ms. B. Ferris (WCC),

Chair: Mr. J. Crisp (UNHCR)

Mr. Crisp (UNHCR) started the meeting by posing a number of thought-provoking questions relating to the definition of “capacity building”. He asked, what is the role and policy of HCR in this respect and to which extent was it implemented. In this context he recommended two reports: UNHCR Strategy for Enhancing national NGO Partner Effectiveness (UNHCR) and the “Evaluation of UNHCR’s Role in strengthening national NGOs” by John Telford (2001). The latter report suggested that while HCR has a defined strategy in relation to capacity building, it has not adhered to it. The lack of successful implementation was attributed to the fact that the nature and mandate of UNHCR is not conducive to capacity building with NNGOs.

Ms. Binega (AHA) stated that capacity building to date has been highly fragmented and unproductive due to lack of sustainable funding. Too much focus has been on project management and reporting rather than empowerment of NNGOs. The implementation of PARinAC has not produced real partnerships as hoped. National NNGOs often cannot define with certainty what capacity building projects require and training programs of HCR at a national level have not considered the needs of the NNGO. Many missed opportunities have resulted in dependence by NNGO’s from the South on their Northern counterparts and donors. Therefore, capacity building as practised today has failed and prevented NNGOs from becoming equal partners. To improve things Ms. Binega recommended the following: sustainable institutional development; better use of donor funds; training programs; development and exchange programs with NNGOs from other areas; an examination of what capacity building actually means, and the need to focus on regional and sub-regional initiatives. In this context the recent

edition of "Talkback" (ICVA) outlining the changing approach to capacity building was recommended reading.

Ms. Ferris (WCC) stressed that capacity building is a continuous, step by step process. In her organisation capacity building focused on investment in people (training, travel, exchanges, awareness-raising) as well as technology. Ms. Ferris pointed out the importance of stable, secure, multi-year funding. Without funds for ongoing activities the purpose of the exercise is defeated, no matter how well trained the staff is. She noted that the role of NNGOs is often underestimated although NNGO presence is crucial in the protection of refugees (e.g.: in East Timor and Sierra Leone, the role of NNGOs vital when the international community withdrew) and referred in this context to the link between assistance and protection. She also stressed the need to build the capacity of refugee communities themselves. Experience shows that increasing the involvement of refugee women can have an important impact. Ms. Ferris highlighted the possible tension between international and local NNGOs as priorities and aims. may differ and there may be a competition for funding.

Participants warned that "capacity building" could remain a slogan only, nicely mentioned in reports and on conferences but without concrete follow-up. When the discussion turned to the question of UNHCR's role in the process, most participants who spoke insisted that the organisation should continue to be involved. A clear and strategic policy was called for if capacity building is to advance. Participants highlighted the need to act and to evaluate action. Rather than focusing on analysis of the problems, they stressed the need for disseminating best practices and taking note of lessons learned. A certain contradiction was noted between the emphasis on funding as a sine qua non and the desire to increase independence of NNGOs through successfully built capacity. The establishment of legal clinics as a successful way of building capacity was highlighted.

11. Staff Security

Panelists: Ms. J. Lim (UNHCR), Mr. R. Martin (IRC), Mr. D. Harland (OCHA), Mr. J. McClellan (SCHR), Chair: Mr. E. Schenkenberg (ICVA)

While focusing on the present state of UN-NGO co-operation relating to staff security, UNHCR and NGO representatives provided updates on the activities carried out both individually and jointly in improving security management since September 2000.

Participants discussed in particular the work and the recommendations of the Task Force of the Inter-Agency Standing Committee Working-Group (IASC WG) on the UN/non-UN security collaboration, endorsed by the IASC WG in May 2001. It was recognised that the success of the work of this IASC Task Force lies in the fact that it has been a collaborative process involving practitioners who recognise the interdependence of the UN and NGOs in matters relating to staff security. Despite the commitment from UN humanitarian agencies and NGOs to implement the recommendations, progress on this point has been minimal. Following the adoption of the Task Force's report by the IASC WG, which implied that the Task Force had completed its work, the UN Legal Office requested certain changes be made. The matter is now pending with UNSECOORD and OCHA. UNSECOORD insists that the Memorandum of Understanding (MoU) remains the basis for the UN-NGO relationship, and that the UN should limit the group of partners with whom it relates to on security matters.

Many of the recommended activities the UN and NGOs carry out together and that are contained in the Task Force's report, are in fact already part of the co-operation taking place in the field. The reason why the Task Force did not include the MoU in its work was that it has been an example of a top-down, legalistic approach, not conform with reality in the field. It was suggested that it might be useful to refer to the UN's partners as "non-governmental humanitarian agencies," which is the term used by the Red Cross/NGO Code of Conduct. A representative from the NGO community, who provided an overview of the recent experiences of his agency in dealing with security issues, felt that the UN should do more to involve NGOs given the high level of interdependence. He cited the positive experience of the IASC Task Force as example of how the UN and NGOs could work together. He suggested that NGOs

should demonstrate a clear commitment by making more resources available for security. The UN representatives present at the workshop referred to the process as formulating “Minimum Operational Security Standards” (MOSS) for the UN system. Another participant referred to the background and training of UN security officers noting that many of them do not have a sufficient understanding of the role and working methods of humanitarian agencies. Despite the deadlock in the UN system in making progress on interagency co-operation on security, it was mentioned that a significant number of activities could be carried out jointly, including information sharing, training, and co-ordination of internal security measures.

12. Refugee Children

Speakers: Ms. C. Linner (UNHCR) Mr. P. Tigere (UNHCR), Ms. P. Aguilar (UNICEF), Ms. M. Diaz (Women’s Commission for Refugee Children and Women) and Ms. B. Verhey (Valid International). Chair: Mr. S. Russell (ICVA)

The meeting was divided into three parts: UNHCR’s work for refugee children, education, and the evaluation of UNHCR’s work with refugee children.

Discussion of UNHCR’s work with refugee children focused on the lack of funding for the Children’s Unit and the need to make UNHCR staff more aware of children’s needs in their work. The unified budget in earmarking funding for children’s work was identified as a problem. NGOs were seen as good advocates for the retention of children’s programmes during times of budget constraints. The importance of undertaking a “best interests determination”, based on Article 3 of the Child Rights Convention, in children’s programmes was underlined. Discussion on refugee children’s education emphasised the importance of education as a protection tool, including in emergency situations. Education could provide a “safe environment for children” in emergency situations, with a prominent role for NGOs in the creation of such spaces. NGOs were called upon to form a consortium in the area of education and to help UN agencies to team up with local NGOs in order to increase strength and develop identity. The critical importance of inter-agency co-ordination in providing a comprehensive response to children’s needs was underlined especially at field level. Programming for adolescents was emphasised, as they were often the victims of forced recruitment, lack of education, sexual violence and sexually transmitted diseases, and economic exploitation. Initiatives for the promotion of responses to refugee children include the postponed UN General Assembly Special Session on Children, a UN Security Council resolution on children in armed conflict, a coalition effort of NGOs to highlight places where abuse of children is egregious, and the Yokohama 2nd World Congress against commercial sexual exploitation of children.

The evaluation of UNHCR’s work with refugee children is an inter-disciplinary effort, now in the final stages of preparation. The evaluation found inconsistent application of UNHCR guidelines, leaving gaps, not so much in the area of policy but in implementation. While children were identified as a policy priority, there was insufficient understanding of what this entailed, and children tend to get lost in a welter of priorities. As UNHCR in Geneva identified several dozen priorities, this allowed field offices to prioritise a la carte. The importance of partnership in order to increase resources was underlined, as was co-ordination of approach. The importance of community services as a key to operationalise protection was underlined with a suggestion that they should be moved into the Department for International Protection.

Working Lunches

13. Reach-Out Training Project (Mr. H. van Goethem, Reach Out)

UNHCR initiated as of March 1999 a dialogue process (commonly known as the “Protection Reach Out Consultations”) with more than 30 humanitarian NGOs. During the consultations it became evident that there was a considerable need for protection training of humanitarian assistance workers. As a result, humanitarian NGOs and the International Federation of the Red Cross and Red Crescent Societies developed a Reach Out project in partnership with UNHCR with the aim to strengthen protection capacities in host countries.

Reach Out is a three-year international training project and provides basic standard training through workshops on refugee protection issues, including training of trainers (ToT) sessions. It

provides a forum for practitioners to learn from each other's experiences. Concretely, Reach Out seeks to improve the protection of refugees by: (1) increasing the protection awareness, knowledge and skill base of individuals and organizations that directly assist refugees, and (2) promoting improved co-operation and collaboration between humanitarian actors and UNHCR on protection issues. Reach Out is supervised by a Working Group composed by various international humanitarian agencies and has received initial funding by Governments as well as international NGOs.

14. CISCONF Process (Mr. A. Zholdasov, Center for Social Research, Uzbekistan)

The Center for Social Research is an NGO that monitors migration, displacement and the problems faced by people affected by such movements. The Center believes the following factors have increased the complexity of the problems surrounding migration: 1. Increased threat of terrorism and extremism, 2. Ecological crisis including water shortages in Central Asia during post-Soviet period, 3. Expected growth in migration to Russia, within the CIS and to countries outside the CIS. As a result of increased threat of terrorist acts, extremism and drug trafficking from Afghanistan to Central Asia, governments have tightened procedures to register and to obtain legal resident status. These measures were aimed at limiting migration within and between countries but resulted in an increase of illegal migration. The new procedures have also placed particular strain on the many "new" poor as they lack resources, information and guidance on how to comply with new administrative demands and are in great need of assistance from NGOs. Since 1996, the Center has observed an increase in migration caused by ecological problems. Water shortage particularly affected countries located in the Aral Sea area. The Center predicts a substantial migration from Uzbekistan to Russia, Kazakhstan and other countries due to less possibility to survive combined with population growth. Increased effective co-operation between NGOs and between Government employees and NGOs is needed to solve the problems. The Center recommends the exchange of training materials and the realisation of pilot projects to encourage organised migration.

15. Global Consultations (Ms. E. Lester and Mr. S. Russell, ICVA)

Ms. Lester and Mr. Russell provided an overview of UNHCR's Global Consultations on International Protection, highlighting the contributions of NGOs to this process. NGOs have particularly emphasized the importance of Article 35 and the need to strengthen the supervisory mechanism of the Convention. In the discussion, NGOs raised the question whether these Consultations, with all their meetings and papers, would actually result in increased protection of refugees in the field. The importance of follow-up to the Consultations and the need for NGOs to monitor developments in the field were stressed. NGOs provide a crucial link between standard-setting which takes place in Geneva and developments in the field. NGOs also asked how the findings from the Consultations would be translated into policies. They raised concern about how "global" these consultations really were, noting that the consultations were not a priority for NGOs engaged in front-line humanitarian work. Ms. Grange (ICMC) summarized the discussions on migration and refugee issues at the World Conference on Racism, Xenophobia and other forms of Related Intolerance. Some 60-80 NGOs had worked in the Migration Caucus at Durban to ensure that these issues were included in the Conference's Plan of Action. Participants noted that if it hadn't been for NGOs, the final document would not have included references to refugees. NGOs further criticised UNHCR's relative lack of involvement in the preparatory process for the Durban conference.

16. Report from the field: SPHERE in action (Ms. N. Buzard, Sphere Project)

The presentation reviewed the background of the Sphere project and covered current activities as well as field practice related to the use of the handbook produced by Sphere. The project began by developing a handbook with two significant parts – a set of universal minimum standards in core areas of disaster response (water supply & sanitation, nutrition, food aid, shelter & site planning, health services) and a Humanitarian Charter. The purpose of the Standards is to improve the quality of assistance provided to people affected by disasters, and to enhance the accountability of the humanitarian system in disaster response. The

Humanitarian Charter, based on international treaties and conventions, emphasizes the right of disaster-affected people to life with dignity. It identifies the protection of this right as a quality measure of humanitarian work and one for which humanitarian actors bear responsibilities. The minimum standards represent the collective opinion of hundreds of experts in humanitarian practice from 228 organizations. Together the *standards* and *indicators* may usefully inform about many aspects of humanitarian action, from assessment, analysis, program planning, monitoring and evaluation to advocacy and coordination. Current activities include the development of free training materials (www.sphereproject.org) that demonstrate the usefulness of the handbook in the project Cycle, in understanding the Humanitarian Charter and in Disaster Preparedness. Training of Trainers are being offered in French, Spanish and English. Academic and training institutions are incorporating the Sphere handbook into curricula. The UN InterAgency Standing Committee calls on UN operational agencies to use it with their NGO partners.

17. Resettlement (Mr. D. Buscher, ICMC)

The session focused on initiatives underway to enhance and support UNHCR's resettlement activities and plans. Participants provided updates on NGO involvement in the Annual Tripartite Consultations (ATC) on Resettlement held in June 2001. NGO participants at the ATC stressed the importance of the informal and truly tripartite nature of the ATC as well as how successful this year's meeting was. Input from Panelists focused on tripartite solutions in promotion of resettlement-related activities from sending or asylum countries. The Protection Surge Project, the IRC-Pakistan Local Solutions Project and the ICMC-administered NGO Resettlement Deployment Scheme were presented.

Tripartite solutions, to enhance resettlement in receiving countries were presented including updates on the highly successful International Conference on the Reception and Integration of Resettled Refugees held in Sweden this year. Reference was also made to the connected Integration Initiative led by a Reference Group and the development of the Integration Handbook. Panelists updated participants on the significant progress made in some of the "Emerging Resettlement Countries" – namely in Brazil and Chile who have undertaken their first and/or subsequent refugee selection missions. It was noted that NGO staff has been vital in facilitating these recent developments. Finally, a quick review of ExCom conclusions on Protection over the past 5 years was carried out and participants noted how little change there has been in the Conclusions' language on resettlement during the period. They also noted the absence of reference to the use of resettlement as a durable solution in protracted refugee situations; the lack of reference to refugee access to resettlement systems; the lack of reference for the need for a fair, equitable and transparent resettlement process; and the lack of reference to integration responsibilities and needs in receiving countries.

18. Detention of refugees (Ms. D. Clancy, LCHR, Chair: Mr. R. Deffenbaugh, LIRS)

Ms. Clancy (LCHR) presented an overview of their survey of detention practices in states, noting the preliminary nature of the report and asking for further input. This was followed by a description of the use of detention by a number of governments, including South Africa, USA, Australia and Canada. Participants noted the long-term psychological effects of detention, particularly for victims of torture. While it is important to work on international human rights instruments in the context of detention practices, participants noted that many governments have not signed these instruments, while others have not incorporated them into national law. The November Round Table in the Global Consultations will consider detention in the context of illegal entry. The need for UNHCR to visit detention centres in countries such as Thailand was stressed, as was the need for NGOs to do further work on alternatives to detention. Finally, NGOs highlighted the difficulty in working on these issues in the aftermath of the 11 September events.

19. **Refugee Women Ms. J. Mends-Cole (UNHCR), Ms. B. Ferris (WCC)**

Chair: Ms. M. Diaz (Women's Commission for Refugee Women and Children)

Ms. Mends-Cole (UNHCR) briefly traced the history of UNHCR's work with gender equality. She outlined the development of policies and guidelines, mentioned the appointment of a senior co-ordinator for refugee women in 1989, the development of training materials, and efforts to strike a balance between "mainstreaming" of women's concerns and development of specific projects for refugee women. She emphasized the importance of NGO support for UNHCR's on-going work in this area.

Ms. Ferris (WCC) reported on the Dialogue with Refugee Women, a consultation with 50 refugee women held in Geneva from 20-22 June under the sponsorship of UNHCR and the Women's Commission. This dialogue, the culmination of 25 regional consultations, focused on the two issues, safety and security, and livelihoods. Ms. Ferris noted that many of the issues were the same as those identified in the first consultation for refugee women in 1988 - women's needs for protection, documentation, access to alternative livelihoods and participation in decision-making. The most striking feature of the Dialogue were the powerful voices of the women themselves who demanded action. Participants contributed examples of refugee women's activities in their countries - from West Africa to Central Asia and Algeria. Ms. Diaz then explained that the Women's Commission is currently completing a review of the implementation of UNHCR's guidelines on refugee women. Preliminary findings from this review will be presented to the Executive Committee next week.

20. Results-Oriented Management (Mr. A. Mayne, UNHCR et al.)

Some 12 NGOs attended the meeting, together with UNHCR staff from the Programme Co-ordination and Operations Support Section (PCOS). First, a brief introduction was given by UNHCR as to the context of the meeting – the efforts being made by UNHCR to introduce more participatory approaches to operations planning and management, and to focus planning and management on the results (both impact and outputs) that the team agrees to achieve. The meeting, held in Ferney Voltaire in May 2001, with a number of the larger operational partners, initiated a process of dialogue with NGOs for closer co-operation on the design and introduction of results-oriented management in humanitarian operations. The meeting had resulted in a plea from the NGOs represented there to UNHCR to strengthen the leadership and management of its co-ordination role in operations. This led to the second agenda item, namely a presentation on two missions to Guinea conducted by UNHCR and an NGO partner, National Support Unit, of Tuzla, Bosnia-Herzegovina, to identify possible means of strengthening support to the co-ordination of the refugee operations in Guinea. The findings and preliminary recommendations of these missions were shared and discussed with the group as a specific effort to follow up on the recommendation of the NGOs at meeting in Ferney in May. UNHCR concluded by saying that it hoped to continue to take such opportunities to meet with partners, and to maintain this dialogue, both at an international level and in the context of specific operations as in Guinea.

21. NGO participation in ExCom (Mr. E. Schenkenberg, ICVA)

This lunchtime meeting discussed the role of NGOs in the work of the UNHCR ExCom. Presently, NGOs are limited to one statement per agenda item, which has significant implications for the interaction between States, UNHCR and NGOs. It would be mutually beneficial if NGOs could share their views and experience in an enhanced manner. One way could be to involve NGOs in the drafting process of the ExCom Conclusions. It was mentioned that the NGO contributions to the preparatory session of the Ministerial Meeting, which is part of Track I of the Global Consultations, of 20 and 21 September could serve as an example of how NGOs could be involved. At the meeting, NGOs also discussed several points for their intervention at ExCom. Finally, ICVA briefed participants on its ideas and plans to hold a meeting on 11 December, on the eve of the Ministerial Meeting, which should bring together States, UNHCR and NGOs. The meeting would focus on the need to improve the supervision of the 1951 Refugee Convention.

Closing Remarks

22. Mr. S. Jessen-Petersen, UN Assistant High Commissioner for Refugees

Mr. Jessen-Petersen, ended the Consultations with both a retrospective and forward-looking speech. He described the changing tasks UNHCR had been confronted with since the end of Cold War, pointing out that UNHCR often had to operate in situations where there was an urgent but unanswered need for political action on the side of the international community. Providing international protection had changed and was becoming increasingly difficult. The fact that refugees often fled in huge numbers and/or mixed with other groups, such as economic migrants and armed military personnel contributed to the difficulty in providing protection efficiently and expeditiously. The growing number of trouble spots in the world threatening to escalate and result in refugee flows had prompted UNHCR to improve its emergency preparedness substantially. The standby arrangements with UNHCR's partners were essential to emergency preparedness, Mr. Jessen-Petersen pointed out.

Facing an increasingly complex task, UNHCR therefore needs more than ever the co-operation with its operational partners to efficiently deliver international protection to those in need of it. Ongoing dialogue between UNHCR and NGOs is vital to the partnership and must continue despite valid criticism and frustration. Constructive criticism is part of this dialogue as is the successful continuation of PARinAC. Mr. Jessen-Petersen passionately appealed to the audience that after the events of 11 September 2001 it was more important than ever that the humanitarian alliance, consisting of UN organisations, NGOs and others, would continue to stand up for those in need. In a political climate where important countries, signatories to the 1951 Convention blatantly violate international law to the detriment of refugees, and in a world that is threatened by terror it is vital to stand on one side despite the differences we may have.

Reports to ExCom

23. Strengthening the Link: The Outcome of the Pre-ExCom Consultations with NGOs

Participants: Ms. B. Ferris (WCC), Ms. M. Grange (ICMC), Mr. G. Bettocchi (UNHCR), Mr. C. Sanders (UNHCR), Mr. S. Russell (ICVA), Mr. M. Vincent (NRC), Chair: Mr. H. Alfeld (Permanent Mission of the Republic of South Africa)

In a special morning on Tuesday, 2 October 2001, representatives from the WCC, the ICMC, the NRC and UNHCR, gave a short presentation on the main themes that had emerged from the 3 panel sessions held during the Pre-ExCom meetings. Several government representatives attended. After the presentations, the floor was opened for discussion.

A number of questions were raised following these presentations. They included that of government representation at the Pre-ExCom. It was felt that efforts should continue to increase this participation considering the mutual benefit. Many participants spoke in favour of the idea to strengthen the link between the Pre-ExCom and ExCom. Much was made of the value of the NGO representatives' strong contributions to the formal ExCom delegations of Canada and USA. Both these ExCom delegations include NGOs within the team. Participants spoke out very forcefully on this valuable link and encouraged other government delegations to consider including NGO representatives in their delegations. NGOs also expressed desire to have more involvement in shaping ExCom conclusions, especially as relates to protection. The question was raised whether the NGO Unit within HCR was useful or not to the communication between NGOs and UNHCR. One NGO confirmed that in fact the Unit did facilitate communication.

On Wednesday, 3rd October 2001 Mr. A. Ladekarl (ICVA) delivered the formal statement to ExCom on behalf of ICVA (The full statement is included in the Annex 3).

At the end of the ExCom session on Thursday, 4th October 2001, Ms. Ferris presented very briefly an overview of the Pre-ExCom Consultation, highlighting its major themes.