



## Pre-ExCom 2003

*The consultations which precede the annual meeting of UNHCR's Executive Committee ('Pre-ExCom', in UN jargon) are an important forum for NGOs to raise concerns with UNHCR about the protection of refugees and IDPs. The report of Pre-ExCom is presented to the Executive Committee.*

The 2003 Pre-ExCom, held on 24-26 September, marked another step forward in enhancing the partnership between the refugee agency and NGOs. The 228 participants from 160 NGOs in 65 countries discussed a broad range of issues and country/regional situations. Three main themes dominated the meeting: improving refugee and IDP protection, strengthening UNHCR-NGO partnerships and the security implications for humanitarian action following the bomb attack on the UN in Iraq on 19 August 2003.

### Enhanced partnership

"Partnership is an attitude and should not be discretionary." This remark by one of the UNHCR representatives at the meeting reflects, in the view of many NGOs, the refugee agency's changing approach to partnership. NGOs welcomed UNHCR's stronger commitment to improving relationships with non-governmental actors. They underlined, however, that in order to institutionalise partnership, more regular coordination between UNHCR and NGOs is needed both at field and headquarters level. They also made clear that the quality of partnership must not depend on the amount of funding NGOs are able to contribute to joint activities.

### Improving protection

NGOs emphasised the importance of making use of existing human rights mechanisms to enhance refugee protection. "There is a greater recognition that human rights instruments and

bodies can be used to further the rights of refugees", the rapporteur's report says. "NGOs can, and should, bring strong cases before regional human rights bodies and international UN treaty monitoring bodies to uphold and protect the human rights of refugees and asylum seekers."

NGOs also stressed their role in ensuring that the process of developing new protection tools to complement the 1951 Convention genuinely reflects the protection needs of refugees. Currently, this initiative, launched by UNHCR in October 2002 and dubbed 'Convention Plus', is widely perceived to be controlled by states, with UNHCR under pressure to tag along. The concerns and interests of states dominate the debate. "Given the close relationship that NGOs have with refugees, we can provide the necessary reality check", the Pre-ExCom report points out.

### Protection versus state security concerns

Since the terrorist attacks of 11 September 2001, many states have introduced security measures that often infringe upon the right of refugees to international protection. One of the Pre-ExCom working sessions, moderated by NRC, took a closer look at the situation in Latin America and discussed what could be done to ensure the protection of refugees while at the same time taking into account the security concerns of states.

The intensification of the conflict in Colombia, for example, and its spill-over effects on neighbouring countries have led governments in the region to step up the presence of police and army personnel in border areas. This legitimate - though in many cases disproportionate - response has led to harassment of local populations as well as of Colombian refugees.

The main challenge for people in need of international protection is access to asylum determination procedures. States have introduced border control measures, more restrictive visa regimes, narrowed interpretations of asylum regulations, detention, deportation, interception and provision of only temporary protection as a means of separating out armed actors and migrants from those in need of international protection. These are all measures that impede access to asylum determination procedures.

NRC, which runs a refugee protection project working with Colombian refugees in Venezuela, Panama and Ecuador, is also concerned about the tendency to adopt increasingly restrictive refugee legislation. In Panama, UNHCR-facilitated talks on bringing the country's refugee legislation into line with international standards have stalled due to concerns about the security situation in the border areas. Colombian refugees in Panama rarely have access to asylum determination procedures. The temporary protection

### IDP news

IDP news is a weekly summary of news on IDPs in conflicts. It is compiled by the Global IDP Project, based on public information.

Subscribe by email to:

idpproject@nrc.ch or

visit our website

[www.idpproject.org](http://www.idpproject.org).

they are given falls short of international standards because neither eligibility criteria nor the rights it entails are clearly defined. Panama has also forced Colombian refugees to return to insecure conditions in Colombia, a direct violation of the principle of *non-refoulement* in the Refugee Convention.

These are only a few examples of the challenges faced by UNHCR and NGOs in their work with refugees. What can be done to ensure that people in need have access to international protection?

In the case of Colombia's neighbours, NRC, in close collaboration with UNHCR, works with the governments to ensure that national law is based on the Refugee Convention and its intentions, and that the asylum determination process secures refugees' rights in accordance with these instruments.

At the field level, the focus must be on:

- removing refugees from border areas to avoid confusion with armed actors
- disseminating information about the plight of refugees as well as their obligations
- concentrating on non-combatants and protection networks
- improving registration procedures
- training of border officials
- assisting states in speeding up refugee status determination processes.

In addition, NGOs at Pre-ExCom recommended a more global approach by developing, as a starting point, comparative studies of state security measures and their consequences for refugee rights in different countries and regions.

### Changed security environment

The consultations focused on the impact of the bombing of the UN's Baghdad headquarters on humanitarian work. There was general agreement that the context in which humanitarian action is carried out has changed irreversibly. Dennis McNamara, UNHCR's Inspector General, posed a number of provocative and pertinent questions that have formed the basis of further discussions and initiatives on ways forward to revitalise humanitarian principles. It was concluded that humanitarian agencies should

respond by strengthening their capacity to better understand the environment in which they operate and to improve security.

Participants noted, however, that as many of the actions needed are political they are beyond their capacity. The decision of tasking international military forces with providing humanitarian assistance, for example, may well increase the popularity of the military but comes at the expense of the security of humanitarian workers.

### Protecting IDPs: does the 'Collaborative Approach' work?

Although more numerous than refugees, the world's 25 million IDPs have no single UN agency to turn to for assistance and protection. In lieu of a better solution, the UN came up with the so-called Collaborative Approach, a formula designed to ensure that the various agencies dealing with IDPs at the field level coordinate their activities and develop a coherent response. The Approach tasks the UN's Resident and Humanitarian Coordinators with responsibility for monitoring the IDP situation and developing a strategy to address IDP issues. They are also charged with establishing mechanisms for cooperation among in-country humanitarian actors. Within this framework, responsibilities for different IDP-related tasks are delegated to whoever is best placed to address them.

There still is a long way to go to make the Collaborative Approach work. While UNHCR has confirmed its intention to "be fully engaged with other partners in pursuing activities for IDPs", it noted in its report to this year's UN General Assembly that the Collaborative Approach is presently suffering from too many *ad hoc* decisions. Discussions in the Pre-ExCom working group on IDPs, moderated by the Global IDP Project, revealed that the Collaborative Approach is often seen as a purely theoretical concept which is yet to be effectively operationalised.

During the discussion, UNHCR underscored the need for the Collaborative Approach to be based on a clear division of labour, reflecting the special competences of the individual part-

ners. Others argued that UNHCR needs to be more proactive in ensuring the inclusion of IDP needs in overall humanitarian response strategies and encouraging inter-agency cooperation at the field level.

Several speakers pointed to the problem that the success of the Collaborative Approach presently relies too much on the personalities, skills and management styles of individual Humanitarian Coordinators, rather than on established structures. Its functioning also depends on the level of motivation of the UN partners involved and requires a culture of cooperation among them.

NRC and other participating agencies drew attention to the limited representation of developing country NGOs at Pre-EXCOM and urged governments and international NGOs to assist more NGO representatives from the South to attend the 2004 meeting.

**Elisabeth Rasmusson, NRC's Resident Representative in Geneva, was Rapporteur for Pre-ExCom 2003. Email: [elisabeth.rasmusson@nrc.ch](mailto:elisabeth.rasmusson@nrc.ch)**

UNHCR's Pre-ExCom 2003 report is online at [www.unhcr.ch](http://www.unhcr.ch) (use search engine to locate URL). The International Council of Voluntary Agencies (ICVA) has a number of documents relating to Pre-ExCom at: [www.icva.ch](http://www.icva.ch)

1. UNHCR's 'Convention Plus: Questions and Answers' is online at [www.unhcr.ch](http://www.unhcr.ch)
2. For further discussion, see FMR 18 pp38-39.

The Norwegian Refugee Council (NRC) works to provide assistance and protection to refugees and displaced people in Africa, Asia, Europe and the Americas. NRC was founded in 1946 in Oslo.

[www.nrc.no/engindex.htm](http://www.nrc.no/engindex.htm)

The Global IDP Project is part of NRC and is an international non-profit organisation that monitors internal displacement caused by conflicts. The IDP Database provides public information about internal displacement in 50 countries.

[www.idpproject.org](http://www.idpproject.org)

The Global IDP Project  
Chemin Moïse-Duboule 59  
CH 1209, Geneva, Switzerland  
Tel: +41 22 799 0700  
Fax: +41 22 799 0701  
Email: [idpproject@nrc.ch](mailto:idpproject@nrc.ch)