

Report on the Consultations Between UNHCR and Humanitarian and Human Rights NGOs in the Asia and Pacific Region on Strengthening Collaboration in Support of the International Refugee Protection System*

(Held at the Novotel Hotel, Bangkok, Thailand, 11 to 12 November, 1999)

Summary

Representatives of 26 humanitarian and human rights Non-Governmental Organizations (NGOs) based in the Asia and Pacific region met with senior officials of the United Nations High Commissioner for Refugees (UNHCR) in Bangkok, Thailand on 11-12 November, 1999. It was the first of four planned regional “Reach Out” meetings to take place** and its purpose was to discuss ways to improve collaboration in support of the international refugee protection system. Discussions were held on a non-attribution basis, under the Chatham House Rule, and were conducted with the assistance of an independent Moderator and two Rapporteurs, one from an NGO and one from UNHCR. The Agenda and List of Participants are annexed.

The main conclusions and recommendations of the meeting were as follows:

1. In order to promote more effective UNHCR-NGO coordination and collaboration on refugee protection at the field level consideration should be given to establishing regional and/or country-level NGO forums focussing on protection issues and the promotion of refugee law.
2. Regional NGO Focal Points should be identified to develop, in cooperation and coordination with the central UNHCR-NGO Reach Out Steering Committee, appropriate strategies for pursuing the following priorities/objectives:
 - Promoting accessions to the 1951 refugee convention and the conventions related to stateless persons and the reduction of statelessness;
 - Improving access by regional NGOs to information on refugee situations, refugee protection needs and protection-related developments in the region;
 - Expanding protection-related training and education activities for NGO staff, covering international refugee law, relevant national laws and other pertinent international instruments, including Human Rights instruments.
 - Developing for NGO use protection-related training and information materials, in regional languages where feasible, and with due regard for cultural sensitivities.

* This report, issued by UNHCR, is based on the notes of the Co-rapporteurs. It provides, in non-attributable terms, the main points of the discussions but is not a full record of the proceedings.

** See Annex 1 for background information relating to the overall Reach Out process.

Discussion

Preliminary Comments

It was suggested that the discussion to take place could be framed with reference to topics encompassed by ten key terms or headings:

1. *Protection*: including access to people, safety from *refoulement*, respect for basic rights, protection for the protectors, implementation of relevant standards, and monitoring and advocating for accountability;
2. *Prevention*: of violence and abuses in the country of origin, by improving human rights;
3. *Inclusion*: promoting non-discriminatory policies in both countries of origin and of asylum;
4. *Specification*: recognizing that certain groups have specific needs, including women and children and those subject to trafficking/forced conscription;
5. *Identification*: determining who is a refugee, through the establishment of criteria, application of definitions, etc. Under this heading also is the question: How do NGOs identify themselves - as human rights workers, as humanitarians?
6. *Information*: needed for protection and to promote accessions to the Conventions, etc. also the question of how to deal with sensitive information?
7. *Capacitation*: building capacity of NGOs, officials, and others through training and other means;
8. *Cooperation*: between governments, between International Organizations, between NGOs and among all of the aforementioned;
9. *Intervention*: determining who intervenes when there is a rights violation;
10. *Participation*: of refugees themselves, NGOs, host communities, etc.

It was noted that the Asia and Pacific region is home to more than half of human kind and has seen a large and varied number of refugee crises in recent decades. Now that some of the largest crises have been resolved, it is time to adjust strategies and build on past positive experience, capturing the best practices developed in the region. There is a need to develop relationships between UNHCR and regional NGOs that will serve both well for a long time to come, and not just during emergencies.

I. The Current State of UNHCR-NGO Collaboration on Protection

The need for building collaborative relationships in support of refugee protection is more pressing than ever before. Many States are pulling back from defending refugee protection and the quality of asylum is deteriorating. Terms like “expulsion,” “interdiction,” “exploitation” and “detention” are central to many asylum debates; all too often, they describe current practice. The distortion of previously established legal concepts, such as “internal flight alternatives,” “manifestly unfounded” and “safe third country” is reflected in the changed refugee policies and laws of many countries, including those which helped create the 1951 Refugee Convention. To combat the deterioration of refugee protection, UNHCR is anxious to build coalitions of like-minded

partners. In particular, there is a role to play for human rights and humanitarian assistance NGOs already working on refugee matters. The role is not limited to advocacy and mobilizing public opinion. Rather, it can include monitoring, reporting, information sharing and, where appropriate, intervening with governments.

The following factors were seen by NGO participants to currently hinder UNHCR-NGO collaboration on protection:

- Uncertainty on the part of NGOs as to who, in a given situation, should lead the effort to protest refugee rights violations. Should it be UNHCR, NGOs, even IOM (in the case of new medical policies in one country) or others?
- Lack of clarity as to how, specifically, NGOs can help strengthen refugee protection.
- Differences in the institutional cultures of UNHCR and NGOs which sometimes interfere with relationships.
- The tendency, as perceived by NGOs, for UNHCR offices frequently to seek advice from Headquarters rather than to take immediate action in response to refugee protection problems occurring locally.
- Sudden shifts of UNHCR resources to tackle new emergencies in other parts of the world – this sometimes has a negative impact on relationships with NGOs working in non-emergency countries.
- The unwillingness, in some situations, of UNHCR to join or support NGOs which have undertaken advocacy against, or have mounted legal challenges to, government practice that violates international law, ostensibly because it is more concerned with maintaining its assistance programs.
- UNHCR's own limited status within certain countries - this compromises its capacity to ensure that refugee protection standards are met and causes great frustration both on the part of UNHCR staff and concerned NGOs.

Discussion continued on how to strengthen UNHCR-NGO collaboration on protection

- In response to the sense that NGOs may not know exactly how best to help, UNHCR can specify distinct projects which need work, such as drafting a model national refugee law, and invite NGOs to participate.
- To work well together and bridge cultural gaps, we need to form a more thorough understanding of each other. This can be achieved by working on joint projects as well as meeting together regularly.
- Good collaboration is the product of trusting relationships. There is a need to acknowledge that NGOs and UNHCR operate in different ways, to respect those differences and to take advantage of them so as to complement each other better.

II. Advocacy and Promotion of Protection Principles

There was general consensus that NGOs should get much more involved in advocacy and the promotion of refugee protection principles. A prominent theme during the discussion was the need for more training and a better understanding of *what* issues need advocacy as well as *how* to engage in useful advocacy. Although some participants questioned the value of pursuing an accessions campaign, a majority appeared to support such a campaign, in the region. Specific observations included:

- NGOs in the Asia and Pacific region should create a good information network to keep each other informed on newly developing regional issues, as well as to tap into networks that exist in other parts of the world. Effective advocacy requires an up-to-date understanding of current issues and challenges, and knowing how different countries are coping with similar protection challenges.
- NGOs would also like specific information on historic events and agreements, such as the Oslo Declaration. What is happening with the recommendations made there?
- NGOs need and want more training, both on basic refugee protection principles as well as techniques for effective advocacy.
- To improve understanding of advocacy issues and organizational mandates, staff internships and exchanges would be useful and very welcome.
- It is difficult for some NGOs, particularly those dealing with assistance work, to engage in advocacy that is politically sensitive. They would prefer UNHCR to take the lead.
- It is important to use the media more creatively. Instead of just showing “problem” situations, the media should be encouraged to offer more balanced, factual accounts of refugees’ experiences and backgrounds. This would help to educate the general population and elicit their sympathy and support for the refugee cause.
- When the media portray refugee issues inaccurately or negatively, both NGOs and UNHCR must take steps to counter misunderstandings (this requires improved communications between UNHCR and NGOs.)
- NGOs from the Asia and Pacific region ought to play a greater role in the pre-EXCOM and EXCOM sessions, by working with other participating NGOs. This would present the NGOs with valuable opportunities to raise advocacy issues directly with their own governments in an international setting.
- It was recognized that advocacy efforts must target national Bar Associations and Legal Aid Societies, as well as grass-roots legal organizations. To be effective, advocacy should start with basic education and information-sharing.
- The possibility of forming a strategy to address regional policy-making bodies (such as ASEAN) was raised. To date, most advocacy has been targeted at individual countries. It was noted that refugee problems are closely linked with matters of national security and sovereignty. This approach will not be easy.
- It is essential to involve refugee communities themselves in advocacy. NGOs are well-positioned to help them raise concerns publicly, until they are strong enough to act on their own.

III. Dealing with Specific Protection Situations

Once again, the discussion revolved around issues of training and information-sharing. NGO participants voiced a desire to learn more about *how* to respond to specific protection situations and invited UNHCR's guidance. Additionally, it was observed that today's human rights violations are often tomorrow's refugee crises. For this reason, creating a good information-exchange within the region is essential. Participants' comments follow:

- Strong support was expressed for creating an information network where “early warnings” can be raised and appropriate responses considered.
- Trust is an important component of working relationships. This is especially true where various agencies have agreed in principle to share sensitive information with one another. It was observed that sharing will improve as trust grows. Again, a concerted effort must be made to communicate with one another regularly.
- The question “What *is* protection?” was asked by many participants. It was agreed that we must develop a common understanding of this concept in order to build collaborative partnerships.
- To improve NGOs' (and government officials') understanding of basic refugee protection principles and to improve their capacity to respond appropriately, a number of participants stressed the need to translate existing documents into local languages. Specifically, it would be valuable to translate *Protecting Refugees: A Field Guide for NGOs* into many languages. It was noted that linguists and academics might volunteer to do this, if so requested by NGOs and UNHCR.
- UNHCR's “Emergency Management Training” initiative was particularly appreciated.
- When trying to solve specific refugee protection problems, NGOs and UNHCR must consider resource issues and work with governments to find solutions that are reasonable and cost-effective.
- Flexibility is important when defining responses, and NGOs would appreciate receiving guidance from UNHCR regarding acceptable standards. For example, specific reference was made to the practice of offering “Temporary Protection.” When is it acceptable and when is it inappropriate?
- When UNHCR is denied access to particular areas where violations are occurring, NGOs may be able to offer services or assist with advocacy. For maximum effectiveness, plans of action should be discussed together at the country level.
- NGOs, in their civil society role, can help UNHCR to fight against refugee rights violations using the national laws that do exist, and to initiate dialogue where the laws do not exist or where the government does not fully accept UNHCR's protection mandate.
- UNHCR would welcome NGOs' assistance with specific refugee-related problems, e.g., the return of those found not to be in need of international protection. Left unresolved, such problems threaten the asylum regime in many countries. Perhaps NGOs could persuade their governments to admit “returned” citizens.

- UNHCR described its ongoing effort to form alliances with socially responsible corporations, which have enormous influence in many countries and can work in partnership with UNHCR to reduce refugee protection problems. UNHCR welcomes NGO involvement and advice in this endeavour.

IV. Protection in Field Operations

There is widespread incidence of violence in the field, directed against both refugees and aid workers. The challenge in this environment is finding a way to infuse protection concepts into traditional assistance programs. To do this, a fundamental shift in attitudes must take place, as NGOs (and UNHCR) realize that NGOs have a role and a responsibility for providing refugee protection, to the extent possible and in full coordination with UNHCR. Participants shared the following suggestions on how to achieve this objective, in spite of the very real constraints existing today:

- Staff training is essential, including on the relevant international legal instruments, and should be based on easily accessible handbooks, such as *Protecting Refugees: A Field Guide for NGOs*. On a practical level, NGOs should factor staff training costs into their project budgets.
- NGOs should appoint “Protection Focal Points” among their staff, and call for and participate in regularly scheduled protection meetings with the UNHCR Protection Officer to discuss threats to refugee rights and possible solutions. Regular interaction will improve the collaborative nature of the relationship. Can UNHCR ensure that their Protection Officers will do this?
- Activities designed to promote refugee protection should be described in each project proposal together with corresponding objectives and indicators.
- In selecting an NGO as implementing partner UNHCR should give greater weight to the NGO’s capacity to provide and promote refugee protection in given field situations.
- It would be useful to develop a standard Protection Reporting Format for use in field operations. NGOs and UNHCR should endeavor to create this together.
- All NGOs and UN agencies working on behalf of refugees must take measures to ensure that their staff conduct themselves in an honest, professional manner. Refugees are very vulnerable and must not be subject to intimidation or coercive practices. This concern applies in every country.
- UNHCR is only as strong as it is allowed to be by its member States. NGOs can help UNHCR by lobbying governments for adequate assistance and support for UNHCR, particularly during emergencies.
- Humanitarian assistance NGOs should try to forge alliances with human rights NGOs so that each can draw upon the strengths of the other.
- Participants generally acknowledged that protection work is hard and can be very unpopular with governments. But a government’s displeasure with UNHCR or NGOs working to defend the rights of refugees must not negatively influence our collective duty to work on behalf of the rights of refugees.

V. Next Steps in Developing a Protection Partnership

While specific recommendations for future action were not formulated, broad plans were outlined with the assistance of the Moderator (see Summary). There was consensus on the following points:

- there is an urgent need to form an information network connecting NGOs working in the Asia and Pacific region;
- protection training is essential and much needed;
- it is appropriate and necessary for NGOs to play an active role in advocacy and the promotion of refugee law;
- NGOs need improved access to UNHCR Protection Officers and are prepared to meet with them on a regular basis.

Participants suggested that the group select several “NGO Focal Points” to help take the Asia and Pacific Reach Out process forward. Although time constraints did not permit this selection process to take place, two PARinAC representatives, Mr. Jeevan Thiagarajah and Mr. Steven Muncy did agree that they or the NGOs they represent will assume some responsibility for charting ways to move the process forward. To help them do this, UNHCR noted it has resources to hire a consultant for up to three months to assist the NGOs to secure additional resources to build capacity. UNHCR also urged the group to look to the central UNHCR-NGO Reach Out Steering Committee for advice and assistance, particularly with regard to establishing a network and training initiatives.