

TALK BACK

The Newsletter of the International Council of Voluntary Agencies (ICVA)

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SPECIAL ISSUE, PART 2: UNHCR CANDIDATES TALK BACK

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INTRODUCTION

In the Special Issue of Talk Back 7-2, “UNHCR Candidates Talk Back” <<http://www.icva.ch/cgi-bin/browse.pl?doc=doc00001356>>, the commitment was made to publish the replies of the remaining candidates for the position of High Commissioner for Refugees. This second part of the Special Issue includes the replies of the last two candidates on the shortlist – Mr. Antonio Guterres (Portugal), Former Prime Minister and Mr. Mark Verwilghen (Belgium), Minister of Economy, Energy, Foreign Trade, and Scientific Politics. As with the other replies, they have only been copyedited to ensure the same standards as the rest of “Talk Back” and to format them to fit into “Talk Back”. Otherwise, the replies stand as received by the ICVA Secretariat.

Again, as noted before, we hope that by providing such a forum, the stakeholders of UNHCR will be able to get a better idea of who the candidates are and that the views of the candidates will help to inform the final process of selecting the next High Commissioner for Refugees.

- MR. ANTONIO GUTERRES (PORTUGAL), FORMER PRIME MINISTER

Dear ICVA,

1 - It is my pleasure to answer your letter regarding my candidacy for the position of High Commissioner for Refugees.

After being engaged in electoral campaigns for three decades, what, as you can imagine, is more than enough, I prefer to write you in a more personal perspective.

First of all, I want to tell you why I am a candidate. The appearance of my name in the shortlist was a surprise to many people that thought I was concentrated in the preparation for the Portuguese presidential elections, especially after the absolute majority in Parliament, obtained by my party last February.

The fact is that I do believe that the experience I acquired and the network of relations with world leaders I have built in my different past and present capacities, make me much more useful as UNHCR, according to my lifelong commitment to public service, especially to those women and men that are far from having had the same privileged opportunities I enjoyed in my life. It is dramatically the case of the millions of refugees, asylum-seekers, internal displaced persons, and others the UNHCR is entitled to protect, assist, and care for.

When I was a teenager, my ambition was to dedicate myself to research in physics. I became an engineer because my school, at the time, was the best physics research centre in Portugal. But the shock of extreme poverty and exclusion in the slums of Lisbon, where I worked as a volunteer, during the final period of the dictatorship that oppressed Portugal for more than forty years, made me realise that, to try to be more effective in fighting both, I should abandon my research vocation and become a political militant.

A political militant progressively more and more internationally minded, as I soon discovered that the real problems that affect the people's life are more and more of a global nature.

For thirty years I've always tried, in each moment, to check if I was still loyal to that initial motivation, as a criterion much more relevant than political success in itself.

As prime minister, my finest hour was probably during the days that followed the referendum in East Timor, making a dramatic personal appeal to the most relevant Heads of State and Government, in the US, Europe, and around the world, to create the conditions for the indispensable intervention of the international community to stop the tragic events in the territory. That crucial moment was the climax of a permanent struggle for the rights of the East Timorese people, the most relevant and noble cause of the Portuguese foreign policy. It occurred after the successful outcome of the negotiations between Indonesia and Portugal, under the auspices of the UNSG, that led to the referendum.

Also as prime minister, my most symbolic decision was the creation and effective implementation of a Guaranteed Minimum Family Income, both for Portuguese citizens and foreign residents, as the recognition of a right citizenship, together with a social reintegration policy.

Having now a clear knowledge of the possibilities and limitations of political action, both at national and global levels, I feel it is time to engage full-time in a strictly social and humanitarian activity. I engage in this candidacy the same enthusiasm I

have when teaching mathematics in the evening, since I left government, to a group of girls and boys of the migrant African community of Buraca, in the outskirts of Lisbon, trying to help them to succeed in their exams to the university, as a key instrument for their and their community's self-reliance and progressive empowerment in the Portuguese society.

To be a good HCR one needs, first of all, commitment to the cause and firmness in asserting its principles and values. But also a good balance between a visionary and pragmatic approaches to the mission, the capacity to listen, to dialogue, and to build consensus with all those involved, but also to provide leadership and enthusiasm to the team, the ability to manage and modernise a complex organisation, in a transparent, accountable way, and to raise the funds needed for its sustainability.

I do believe, with humility, but a strong conviction, that, during those three decades of national and international experience, what I have been and what I have done, with the indispensable support of many I will always be grateful to, demonstrate I can do it.

2 - I want to pay tribute to dedication and work of all women and men in the organisation, that have given and are giving so much of their lives to the protection of the refugees; to all partners involved and, in particular the NGOs; to the vision, commitment and leadership of HC Ruud Lubbers and the way the acting HC, Ms Wendy Chamberlin, with the valuable support of the Assistant HC, Mr. Kamel Morjane, has been able to fill the gap during this transition, in such a positive way.

3 - It is obvious that the new HCR will face times of change.

The main paradox is the drive for more restrictive policies in the developed world, especially after 9/11, exactly now that the number of refugees and asylum-seekers seeking refuge there is diminishing.

The paradox is even bigger if we notice that none of the detected terrorists of 9/11 was a refugee, not even an illegal immigrant. All did the awful things they did being in a position of full legality. The same seems to apply to the Madrid bombing, at least to the first suspects detected. As so many people referred, the refugees are not terrorists, many of them have been victims of terrorism.

It is true that, in the scope of the complex migratory flows of the present times, some refugees can be found. But that should not be a reason not to protect them. On the contrary. That is an additional reason to look for and protect them, and to distinguish them from the situations of those that eventually try to use the asylum channel to migrate for economic purposes.

All this proves that the UNHCR is more relevant than ever, starting by the need to promote a strong counter-offensive vis-à-vis the relevant public opinions, in favour of tolerance, as opposed to xenophobia and racism. People must understand that all societies will be multiethnic and multicultural and that neither rejection nor assimilation are possible any more.

Social cohesion will be more and more the result of cultural diversity with different communities living together in peace, harmony, cooperation, and respect for each other, within the constitutional framework of a democratic state, guarantor of human rights.

It is important to help governments to face the populism and radicalism they confront, making it sometimes difficult for them to adopt legislation that takes in full account, not only the Convention and the Protocol, but the present needs and problems of refugees and asylum-seekers, providing them effective and quality protection.

I want to underline here Ms Erika Feller's reference to that point, during the 55th session of the EXCOM:

“For UNHCR, the concept is rather clear. Effective protection is quality protection. In our experience it should only be regarded as sufficient if, at a minimum, the following is reliably guaranteed:

- there is no likelihood of persecution, of refoulement or of torture or other cruel and degrading treatment;
- there is no other real risk to the life of the person(s) concerned;
- there is a genuine prospect of an accessible durable solution in or from the asylum country, within a reasonable timeframe;
- pending a durable solution, stay is permitted under conditions which protect against arbitrary expulsion and deprivation of liberty and which provide for adequate and dignified means of subsistence:
- the unity and integrity of the family is ensured; and
- the specific protection needs of the affected persons, including those deriving from age and gender, are able to be identified and respected.”

This remark is very important, namely when there is a process of harmonisation of minimum standards dealing with any aspect of refugee's rights. All harmonisation procedures should be oriented to converge in extending this concept of quality protection, not in downgrading it. The action of the HCR is here of paramount importance, in stressing the protection principles and in his capacity of dialogue and persuasion.

The absolute guarantee of non-refoulement becomes even more important as we know that, in a smaller world, indirect forms of refoulement are easier and the nature of threats, or our awareness of them, increase, including non-state agents of persecution, gender persecution, or sex orientation persecution.

But the main refugee problem today is a South-South one, with mass flows of both refugees and internally displaced persons, in conditions of extreme hardship, with difficult access to protection and relief operations and with dramatic security problems, especially affecting women, children, and the elderly.

All this, both North and South, for different reasons and requiring different instruments, make me think that if I had to choose the three main priorities for the HCR, I would say: protection, protection, protection.

4 - A refugee is not an abstract concept. She or he is a person, in need of protection, but also of relief from hardship and of help to find a durable solution.

I take good note of your remarks about the eventual gap on the approach to protection in different parts of the organisation. If the opportunity will be given to me, I will strongly concentrate in creating the conditions to mobilise the entire organisation around one single, but consistent and comprehensive, concept of protection and the capacity to operationalise it, making use of the “strong leadership to instil such a culture of protection” you refer.

Particularly in the developing world this requires from the UNHCR a much broader concept of protection and the need to cooperate with others, members of the UN system or not, public institutions, or NGOs.

5 - In this context we must consider a well-defined UNHCR role in providing protection to internally displaced persons. They are not refugees according to the Convention, but they are it in fact. It wouldn't make sense to forget about our unique capacity and expertise.

I'm aware of the recent analysis made by Vanessa Mattar and Paul White, within the EPAU, for the Internal Working Group on IDPs, recognising the “successful history of engagement” of UNHCR with IDPs, but also the flaws of the existing policy criteria, the inconsistency in decision timings and the difficulties to have an effective collaborative response, together with other organisations.

Looking carefully at all documents approved at different levels since 1993, one can see a clear evolution. But the diversity in the nature of the problem and the number of the organisations related to it require a flexible approach, providing flexibility is not a form of ambiguity or a justification for arbitrary decisions.

Building on the accumulated experience, I believe we can better clarify UNHCR policy criteria with full ownership by the whole organisation, to be more effective in the special contribution we can give, recognising the role of the different coordination bodies within the UN System, at global and country level. The acceptance of the Guiding Principles on Internal Displacement can only help.

6 - The key question, facing this or other problems is to be able to keep one's identity and clearly engage, in good faith, in an open cooperation with all relevant entities.

Our identity is clear and we can never renounce it. But the stronger the identity, the self-confidence, and the clear vision of our mandate, the better we work with others for the goals we have in common. It is also in the case of the cooperation with the IOM.

Our identity will be even more important in the framework of the future reforms in the UN System, in the follow-up of the proposals tabled by the Secretary-General. The new concepts to be introduced, like the Responsibility to Protect, or the new bodies to be created, like the Peace Building Commission and the Peace Building Support Office, can only strengthen the role of the UNHCR, that shall do his best to give a positive contribution to the reform process.

A better global governance will also help the UNHCR, both in prevention, where our widespread presence in the world is a plus, and in sustainability of durable solutions, based on self-reliance and a community development approach. I believe we can promote very promising developments in these two fields. A huge impulse to the promotion of durable solutions is a must if we want to reduce the dramatic dimension of the protracted refugee situation. Prevention is also always the best investment.

7 - The UNHCR has not reacted passively to the global changes. The Agenda for Protection and the Convention + approach were adopted and there are recent clear improvements in the management. A major responsibility of the new HCR will be to make these initiatives move forward and overcome the implementation gaps.

As HCR Ruud Lubbers stated in his Introduction to the Agenda, referring to the meaning of the “plus” in the Convention, things have to be done “with countries of North and South working together to find durable solution for refugees”.

This is the key question, and not an easy one, for effective implementation. The agendas of the North and the South are different and it is not easy to find a common ground. A mistrust is particularly evident in the developing world. This problem is, of course, much broader than the concerns referring to refugees, asylum-seekers, and internally displaced persons. It includes debt, aid, trade, migration, labour, and environmental standards, and so on. But the HCR has a role to play for a better North-South dialogue, to the profit of the people of our concern, and I feel particularly well-equipped for that dialogue.

For instance: The EU-Africa Summit was a proposal of mine, approved by the European Council, but it had to wait for the Portuguese presidency of the EU to take place, in 2000, in Cairo, co-chaired by President Bouteflika and myself. After that, and until now, it has not been possible to repeat it, contrary to what has been agreed.

8 - Regarding the cooperation with the NGOs, I fully agree with your observation that “without its NGO partners, UNHCR would be unable to fulfil its mandate”.

Cooperation in the field and in global advocacy require a meaningful strategic dialogue, about objectives and policies to be defined.

Habermas, who has given a very relevant contribution to the understanding of modern democracy, considers that the permanent flow of communication between the political and the civil society, as an instrument for better decision-making, is a relevant part of it. If this applies nationally, it must apply globally.

It's based on this deep conviction that, if given the opportunity for it, I will promote the UNHCR's cooperation and dialogue with NGOs at all levels. I did the same as prime minister, regarding the Portuguese civil society.

9 - You have mentioned the threats to humanitarian space and humanitarian action. The best guarantee against them lies in the preservation of UNHCR's identity and its unique role. I have been in politics time enough to know exactly what must be done to

preserve the independence and the strictly humanitarian and social character that will allow confidence in the relations with NGOs to be preserved.

The absolute primacy of protection needs a secure environment. Security for refugees and internally displaced persons, especially women and children, but also security for the staff of UNHCR and partners.

The Agenda for Protection Programme of Action, in its goals 4 and 6, defines a strategy that must be fully implemented, as a permanent concern of the UNHCR. It's within this framework that an effective Zero Tolerance policy is not only a moral imperative, but a minimum condition of credibility of any humanitarian organisation.

I want to particularly stress the decision and clear commitment to mainstream gender equality and age sensitivity in all the policies and the activities of the UNHCR.

10 - The people that work with UNHCR, in the field and headquarters, represent the main asset and as such must be considered. To create the conditions for the development of their self-esteem and sense of purpose is one of the HC's main responsibilities. It is something in which I find a deep motivation, as many times in the past.

That must go hand-in-hand with modernisation. Things works better in a culture of transparency and accountability, essential in itself and to allow the needed decentralisation of decisions to field level to take place.

I am aware of the recent substantial improvements in the management. The development of the Resources Based Management, the progressive extension of the Management Systems Renewal Project, taking profit of IT, the Project Profile, and the huge work in the definition and implementation of a comprehensive set of standards and indicators, providing we never forget we must work for people, the indicators being mere instruments.

Being a reform minded man, as I proved when promoting the so-called Lisbon Agenda, during the Portuguese presidency of the EU, I do not intend to make any revolution, but to accelerate the implementation of what is being done, introducing, in dialogue with the relevant actors, the adjustments deemed necessary.

A fully transparent, accountable, decentralised, and efficiently managed organisation, at all levels, is the best guarantee of the reliability requested to be efficient in our mission and credible vis-à-vis the donors.

We are an organisation for refugees; let's not leave any doubt about it. But we cannot be so without the support of the States. It's my strong belief that, for States, our activities are not only a humanitarian response to a dramatic situation, but a solid contribution to global peace and security. Let's transform a possible contradiction in a win-win strategy, to the benefit of all.

Thank you very much for your attention. Warmest regards,

António Guterres

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CURRICULUM VITAE

ANTÓNIO Manuel de Oliveira GUTERRES

Born on the 30th April, 1949,
in Santos-o-Velho, Lisbon.
Married, two children.

- Political Curriculum:

From 1996 to 2002
Prime Minister of Portugal.

In the 1st semester of 2000
President of the European Council, leading namely to the adoption of the so-called
Lisbon Agenda and co-chairing the first EU-Africa summit.

From 1999
President of the Socialist International.

From 1992 to 1999
Vice-President of the Socialist International and Co-Chairman of the African
Committee, together with President Diouf of Senegal, and later, of the Development
Committee.

From 1991 to 2002
Member of the Council of State of Portugal.

From 1981 to 1983
Member of the Parliamentary Assembly of the Council of Europe, member and
Chairman of the Committee on Demography, Migrations and Refugees.

From 1976 to 1983 and from 1985 to 1995
Member of the Portuguese Parliament and Chairman of the Parliamentary Committees
for Territorial Administration, Municipalities and Environment and for Economy and
Finance.

From 1979 to 1995
Member and President of the Municipal Assembly of Fundão.

- Party Curriculum:

From 1992 to 2001
Leader of the Socialist Party.

From 1974 to 2001

Member of the National Committee and of the Political Committee of the Socialist Party.

From 1988 to 1991

President of the Parliamentary Group of the Socialist Party.

- Professional and Academic Curriculum:

From 2003

Invited Professor of the Instituto Superior Técnico, in charge of the Chairs of Sustainable Development and Innovation.

From 2003

Adviser to the Board of Caixa Geral de Depósitos, the second largest Portuguese bank.

In 2002

Adviser to the Board of IPE – Investimentos e Participações Empresariais, S.A., the main state owned holding company in Portugal.

From 1984 to 1985

Director of Strategic Development of IPE, responsible for the joint-ventures with foreign companies in high tech areas.

From 1983 to 1984

Director of the Master Plan Division of Gabinete da Área de Sines (New deepwater harbour, urban and industrial centre in the Portuguese coast).

From 1976 to 1979

Member of the European Integration Committee (the negotiating committee for Portugal's entry in the European Communities).

From 1974 to 1975

Head of the Cabinet of the Secretary of State for Industry.

From 1973 to 1974

Director of the Industrial Planning Division of Gabinete da Área de Sines.

In 1973

Member of the Technical Secretariat of the Presidency of the Council of Ministers (Central Planning Department).

From 1972 to 1975

Assistant Professor of Physics and Telecommunications at Instituto Superior Técnico.

In 1972

Coordinator of the Post-graduation in "Economics for Engineers", at Instituto Superior Técnico.

In 1971
Graduation as Engineer at Instituto Superior Técnico.

- Main Activities in Non-Governmental Organisations:

From 1991
Founding member of the CPR Portuguese Refugee Council.

From 2002
Volunteer in Centro Social 6 de Maio, in the periphery of Lisbon, teaching mathematics to students belonging to the African community, helping them in the preparation for access to the University.

From 2002
Member of the Cub of Madrid

From 2002
Member of Foro IberoAmérica

From 1973
Founder, first Vice-President and member n.º. 1 of DECO – Associação Portuguesa de Defesa do Consumidor (Portuguese Consumers Association).

From 1970
Member of SEDES – Associação para o Desenvolvimento Económico e Social (Association for Economic and Social Development).

From 1968 to 1972
Member of JUC – Juventude Universitária Católica (University Catholic Youth).

From 1971 to 1972
President of Centro de Acção Social Universitário, university students association promoting social development in impoverished neighbourhoods in Lisbon.

- Books Published:

1999
A Pensar em Portugal.

1979
Headed the working group responsible for the project “10 Years to Change Portugal- Programme of the Socialist Party for the 80s”, submitted to the 1979 the National Congress.

- Final Note:

Chaired and participated in several international committees, working groups and missions to different areas namely Somalia, Israel and Palestine, Magreb, Brazil, ...

- MR. MARK VERWILGHEN (BELGIUM), MINISTER OF ECONOMY,
ENERGY, FOREIGN TRADE, AND SCIENTIFIC POLITICS

Dear Ms Elizabeth Ferris,

Thank you for allowing the candidates for the position of High Commissioner for Refugees a public forum to express their views on the challenges facing the UNHCR agency. Unfortunately, I was not able to answer earlier due to some unforeseen circumstances. However, I hope my letter can still contribute to this valuable ICVA initiative.

Since the High Commissioner's Office for Refugees was established on 1 January 1951, its cooperation with partners and stakeholders has been crucial for the fate of millions of refugees and other persons of concern. The situation at hand where the numbers of refugees and asylum-seekers are dropping, now at the lowest total in at least a decade, surely is a positive trend. However, 17 million refugees and people of concern is still a vast group of people in need of protection and assistance. Of course, these vulnerable people cannot be put into the 'migration basket'. On the contrary, the specific role of UNHCR, guided by the 1951 Convention and its 1967 Protocol, must be kept relevant in the years to come.

Moreover, dealing with even more millions of IDPs worldwide, who risk falling between the cracks of current law and protection, is still a major challenge for the humanitarian community. Their number is estimated at over 20 million, of which about 1,200,000 live in Colombia, and at this moment most of them do not officially belong to the 'people of concern to UNHCR'. Without going into details within the brief scope of this letter, I feel one of the key issues for the agency is to clarify its role and to extend its action towards these internally displaced people. Therefore, a continuing consultation at the UN level will be necessary to refine the agency's mandate in this matter, as well as to define the legal tools for its efficient implementation.

At the same time, the policy of UNHCR on its tasks of protection and resolution should be integrated and transparent as much as possible. In my opinion, protection, both physically and legally, should come first since this is what victims in a critical situation urgently need. So we should focus on their protection, keeping in mind, however, that dealing with causes and searching for solutions is crucial for their future. As seen in today's Burundi, the many returnees face different problems, such as access to land and inadequate legislation. I had the honour to serve my country as Minister of Justice in a particularly difficult period where I developed my unconditional commitment for the rights of the most vulnerable victims.

The restrictive policies of governments towards asylum-seekers and migrants in general are of growing concern in the humanitarian world. Therefore, new efforts should be made to create a more humane approach. I realise that diplomatic skills and

a positive attitude are basic to tackle this delicate challenge. It is the High Commissioner's duty of supervising the application of the provisions of the 1951 Convention. So the job must be done.

Concerning the funding issue, we must be aware of the importance and sensibilities of the donators. Without sufficient resources, an agency such as UNHCR is unable to achieve the goals determined in its programmes. A good understanding of international donating policy is important to move things in a positive direction. During my position as Minister of Development Cooperation in the Belgian government, we succeeded to enhance financial support and international concern for the humanitarian crisis in Central Africa.

The Secretary-General's proposals to enhance global representation in the UN structures are of great importance, especially for UNHCR. Developing countries and international NGOs, not in the least the Southern civil society organisations, should be considered as essential stakeholders in policy making, as well as full operational partners in dealing with refugee problems. I strongly believe that the importance of these partners should not be underestimated.

Particularly in conflict areas, adequate protection of refugees and IDPs goes hand-in-hand with the safety of operational UNHCR staff and its partners. This can only be guaranteed when the agency's policy is rigorously impartial, and is perceived as such by all parties in conflict. Unfortunately, recent events have shown how delicate it can be to keep the balance in a dramatic situation.

In general, UNHCR should at all times hold its independent position, keeping its humanitarian agenda unaffected by strictly political agendas. Transparency and good governance at all levels within the agency are basic conditions to assure its credibility and to remain worthy of the trust and support of the international community.

Yours sincerely,

Marc Verwilghen

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