

**Informal Consultative Meeting on
*extending the input in the work of the Executive Committee
from non-governmental organizations*
April 3, 2012**

Discussion paper prepared by the
International Council of Voluntary Agencies (ICVA)

Background

At its 58th Session held in Geneva in October 2007, UNHCR's Executive Committee (ExCom) made the decision (A/AC.96/1048):

“(a) to pursue consideration of further options for extended NGO participation through informal consultations, on at least an annual basis for the next two years, with a view to taking a decision on the question preferably by its 60th session; and (b) to include in these considerations a review of options for enhancing the linkages between the NGO Annual Consultations and the annual plenary session of the Executive Committee...”

The objective of this Informal Consultative Meeting (ICM) is to find concrete ways to enhance the work of NGOs with UNHCR's governing bodies.

The Role of NGOs in UNHCR operations

The relative importance of the role of NGOs in the delivery of humanitarian response is usually quantified at 80% of actual operations. While difficult to precisely quantify, the role of NGOs in the delivery of refugee assistance and protection is essential. UNHCR, with its well established engagement with NGOs and commitment to partnership, recognises their importance both as advocates and as the front-line providers for refugees and other persons of concern.

In a “classic” refugee camp setting, most programmes are delivered by a number of NGOs, national and sometimes international, each with its own technical experience and mission. While many are directly and solely funded by UNHCR, it is also necessary to note that NGOs contribute other funding sources, be they institutional or private, to the cause of refugees worldwide.

The Current Role of NGOs in ExCOM's Work

This essential, positive, and ever-growing role of NGOs in refugee assistance and protection is, however, not truly reflected in the current ExCom structures and processes. Currently, NGOs are involved in the work of ExCom through the following means:

- ECOSOC accredited NGOs or ICVA members can attend ExCom, Standing Committee plenary sessions, and Informal Consultative Meetings as observers;
- NGOs can deliver one joint statement (coordinated by ICVA) on each ExCom and Standing Committee agenda item.
- One side meeting during the ExCom is reserved for NGOs, and, upon approval of the Secretary of ExCom, also during the Standing Committee.
- The Report on UNHCR's Annual Consultations with NGOs is presented by the Consultations' Rapporteur to the ExCom plenary (Member States receive the full text beforehand).
- NGOs can participate in ICMs with the same right to speak as States, taking the floor to make comments or giving individual or collective statements.

To broaden the perspective, increase the quality and diversity of ExCom's inputs and outputs, we strongly believe that NGOs should play a wider role in UNHCR's governing structures, for the ultimate benefit of refugees worldwide.

In this spirit, NGOs would like to put forth the following proposals:

1 – ICMs

As recently as five years ago, ICMs, ranging from administrative/budget issues to substantive discussions on the protection of the displaced, were really, as the title suggested, "informal" and fostered good discussions between ExCom members, UNHCR, NGOs, and other observers. More recently, ICMs have started following the format of Standing Committees, becoming focused on process, procedure, and protocol. NGOs would like to encourage the ExCom Chair, Member States, and UNHCR to return to the earlier, open format. NGOs usually have technical or policy expertise in many of the items discussed at ICMs and can provide valuable inputs to the discussions, including by providing experts for the panels. We feel that unnecessary formality has crept into ICM proceedings and their whole "raison d'être" is getting lost. To be of real value, ICMs should be a place to draw on the specific expertise of NGOs who work with refugees, as well as that of independent experts, so that policy discussions are better grounded in operational realities or better in-line with academic research.

2 – NGO Statements

Statements are the main official, “on the record” means of communications between NGOs and ExCom. NGOs have a global presence, before and after crises, operate and implement in partnership with governments and international organisations worldwide on a daily basis, and bring substantial resources, as well as expertise, to these tasks. Therefore, NGOs very much value this opportunity to share their point of view on some essential issues that relate to the protection of refugees, internally displaced persons (IDPs), and stateless persons with States that host such populations, support operations in their favour, or are otherwise concerned with their protection and assistance.

It is felt, however, that one single, time-limited statement, read at the end of the agenda item, misses the opportunity to provide NGO input in a way that the proceedings/participants can actually take it up and make it meaningful for the discussion. It also fails to reflect the relative importance of NGOs in refugee assistance and protection. UNHCR’s governing bodies could better capitalise on NGO input by including the following NGO recommendations:

- 1) NGOs can be granted a second statement on one agenda item at the discretion of the Chair. We would like to suggest activating this provision, ICVA then inviting a relevant NGO to the table. The first statement would remain a joint statement consolidated by ICVA, while the second one would be delivered by an NGO with a particular focus and under its own name. ICVA would coordinate the transparent selection process of this second statement, which would last five minutes. Such statements would be envisioned for a very limited number of agenda items, including those on protection at the June Standing Committee and October ExCom meetings.
- 2) We also would like to propose that the length of the joint NGO statement facilitated by ICVA be extended from seven to ten minutes for the following recurring agenda items: Regional Statements in March, Protection Statement in June, General Debate and Protection statements at ExCom. Three additional minutes will not have a significant impact on the length of a session but will better reflect the importance of the variety of NGO voices in the debates regarding refugee protection and forced displacement worldwide.
- 3) Finally, current protocol systematically places the NGO statement at the tail end of the speakers list, thus limiting the reach of its content, but also preventing

States to have sufficient time to respond to parts or whole of the statement. We would like to propose that ExCom looks at creative ways to place the NGO statement in different parts of the Standing Committee or ExCom – for instance, at the beginning of the second day of proceedings, or directly following UNHCR’s item presentation to launch the discussion with ExCom members. By the same token, this would give more time to UNHCR to respond to the statement.

3 – Participation in Agenda Setting

Currently, the December planning meeting is held without any NGO presence or formal input. ExCom could benefit from more NGO participation as they are closer to field realities and challenges and can identify and substantiate issues that would require ExCom review and, ultimately, decisions. At a minimum, ExCom and NGOs, through ICVA or any other NGO representative body, could organise, in late November or in the margins of ExCom in October, a briefing of NGOs on the items and issues that they believe should be made part of the official yearly agenda. As also suggested in ExCom Conclusions process, a seat as observer could be made available for NGOs at the December meeting itself, to allow the NGO community to be better kept informed of upcoming ExCom policy priorities. In turn, this information would help NGOs to better prepare input that will be of use for ExCom members.

4 – A More Prominent Role in the ExCom Conclusions Process

In recent years, interested NGOs have worked closely with Member States to feed their expertise into the negotiations. NGOs believe they should have a more formal role in the preparation of the Conclusions and be allowed to play a part in the final negotiation process – a process that has recently been rather onerous on ExCom members – at least as observers without the right to speak so that the NGO community would be kept informed of the discussions and can better work on potential solutions with member States outside the formal negotiations. Such a protocol was followed during the preparatory meetings for the December 2011 Ministerial Meeting, allowing the NGOs to be aware of the progress of the negotiations process and to then inform the wider community, through ICVA in that instance

5 – The Timing of the NGO Consultations

The change of date of the NGO consultations from September (“Pre-ExCom”) to June originated in the practical impossibility to find any adequate meeting space during the week preceding ExCom several years ago. Further to this practical issue, June was also

seen as a suitable time as the Consultations could follow the Standing Committee devoted to international protection. As the main advantage of moving the consultations to June, it was felt that this date allows the Rapporteur to finalise the report and recommendations several weeks before ExCom rather than merely presenting a few talking points put together in great haste. In turn, as we have seen at the 2011 ExCom meeting, it allows member States to prepare and deliver a substantial statement in response to the NGO Consultations' report.

The drawback resides in the considerable cost for NGOs based farther afield of committing to two trips if they want participate in the consultations and to advocate to delegations present at ExCom. But more importantly, the strategic opportunity for NGOs, which ExCom used to provide is largely lost as it is a unique opportunity, especially for southern-based NGOs, to have access to ExCom members' senior representation and thus further the cause of the refugees they serve or provide some important information on field realities.

With this in mind, and in view of the 58th session of the ExCom decision to look at ways to “enhance linkages between the NGO Annual Consultations and the annual plenary session of the Executive Committee”, NGOs would like to recommend that ExCom support the re-establishment of the NGO consultations prior to the ExCom, with the understanding that logistical constraints may impact on the actual implementation of this recommendation.

Finally, NGOs would like to encourage ExCom members to continue to participate in the closing plenary of the NGO Consultations and engage in the debate about its recommendations at the ExCom meeting itself.

ICVA

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