

Highlights From the 55th Session of the Executive Committee of UNHCR

September 2004: Members of the Australian Refugee Rights Alliance arrive in Geneva, Switzerland to attend the annual meeting of the UNHCR Executive Committee with the aim of influencing UNHCR and national government policy in order to improve the prospects for refugees across the world.

Introduction

As issues related to refugees and asylum seekers have become of increasing concern in Australia, and in the international community, a group of refugee advocates have come together and formed the Australian Refugee Rights Alliance (ARRA). The alliance is comprised of refugee advocates and service providers, who seek to influence international policy on refugees. The Alliance has a broad support base including grass roots NGOs, national NGOs, church groups, lawyers, academics, students and individuals. Through a consultation process it develops position papers on Australian and international refugee issues to share with organisations and individuals who attend the annual meeting of the Executive Committee of UNHCR and related meetings.¹

Representatives of ARRA who attended Pre-Excom and Excom in 2004 included the Centre for Refugee Research, the National Council of Churches (NCC), the Women's International League for Peace and Freedom (WILPF), The Australian National Committee on Refugee Women (ANCORW), the Asian Women's Human Rights Council (AWHRC) and Women's League of Burma (WLB). ARRA has been attending the UNHCR conference for the past 4 years and in that time has established a reputation for professionalism, and expert knowledge that contributes to the understanding of refugee issues from the Asia/ Pacific region on an international level. As each member individually represents a refugee organisation in Australia each person emphasised different areas of concern related to their own professional experience. This strengthened the knowledge base and skills of ARRA in Geneva.

Pre- Excom

From the 28th - 30th of September 2004, ARRA attended the Pre- Excom consultations between UNHCR and Non-Government Organisations. Areas of concern included but were not limited to: Women at Risk, Complementary Protection, Temporary Protection Visas, issues related to off-shore processing, the restrictions on Bridging Visas, the violation of the Burmese women's human rights and protracted refugee situations. As this was an international forum ARRA needed to ensure that the issues that were raised were of international, as well as regional, concern. The forum also provided the invaluable opportunity to form connections with international NGOs and

to expand our knowledge base in relation to issues of concern regarding refugees.

This is a preliminary report and a brief outline of the outcomes and activities of the meeting. A more detailed report is currently being undertaken. It is an important part of the process that we pass on all the knowledge and lessons learnt to partner-NGOs and interested parties in Australia. The Centre for Refugee Research would like to thank all other members of ARRA and their supporters and hopes that this brief summary and the final report will be of benefit to you and your organisation. Summaries of the meetings can be downloaded from the UNHCR website and the final report will be available by December 2004.

"Meetings In the Margins"

'Meetings in the Margins' provided participating NGOs with a chance to highlight refugee issues of concern by running a workshop. Unfortunately these meetings do not form part of the formal proceedings and notes are not available on the UNHCR website. However these informative workshops provide unique insight to UNHCR and other interested NGOs on recent developments and research. Workshops ranged from "The Crisis in Refugee Status Determination in the Global 'South' - The Role of UNHCR" to "Gender-Related Persecution in European National Legislation and Practice". During these workshops participants engaged in frank and open dialogue with other NGO participants and UNHCR staff.

"Meetings in the Margins" run or co-hosted by ARRA members

1. The Centre for Refugee Research ran a workshop in conjunction with Asian Women's Human Rights Council (AWHRC) and the Refugee Consortium of Kenya. The workshop focused on research conducted in Kakuma Camp, Kenya and on the Thai/Burma border and examined the compounding effect of multiple risk factors and the failure of international protection on the vulnerability of women to violence and exploitation. Participants in the workshop agreed on the need for structural changes to improve international protection such as better trained personnel who have the ability to identify women at risk and take proactive measures to prevent other women reaching this critical level of need. In addition the need for improved resettlement services in host states which take into account the special needs of women who have experienced torture and trauma was also discussed.
2. The Australian National Committee on Refugee Women (ANCORW) and the Women's International League for Peace and Freedom (WILPF) presented, "Resettlement as a protection measure - service needs in receiving countries with a focus on refugee children". This workshop examined problems emerging for families from protracted refugee

situations who have been resettled in developed countries. In particular issues regarding unaccompanied minors and children who have survived trauma and as such are particularly at risk, were discussed. Good practice and effective programs in developed countries as well as some of the problems, which are beginning to be identified, were also explored.

3. The National Council of Churches in conjunction with the US Committee for Refugees and the Refugee Consortium of Kenya ran the workshop "The Campaign against Refugee Warehousing Moving Forward" examined the important issue of protracted refugee situations. Of the twelve million refugees worldwide, seven million have been 'warehoused', confined to camps or segregated settlements or and deprived of basic rights for ten years or more. This workshop examined the failure of implementing human rights instruments to ameliorate this problem and looked at the need to move onto specific measures that justly apportion responsibility to acquire real results for refugees.

ExCom

On the 4th of October ExCom officially commenced with most government delegations from the 66 countries that make up the Executive Committee of UNHCR in attendance. During the week the government delegations review and approve UNHCR's programs and budgets and advise on protection matters. Others delegations attended including important implementing partners such as the World Food Program, inter-governmental organisations such as the European Economic Commission, and Non-Governmental Organisations such as ARRA. In his opening statement the High Commissioner, Ruud Lubbers, reviewed key UNHCR operations and challenges including new crises and protracted situations, the continuing protection needs of refugees, an update on the second year of Convention Plus, a review of the financial situation of 2004 and partnerships and inter-agency cooperation. The General Debate commenced that afternoon with statements from the floor. The High Commissioner invited states to make a pre-prepared statement in relation to the World Food Program and other matters concerning global refugee issues.

There has been a significant increase in the number of refugees who have been able to repatriate in the past year. During Excom, it was estimated that the refugee figure had declined to ten million people. The ongoing situation in the Darfur region of Sudan was an issue that was revisited numerous times during Excom. The High Commissioner himself, who had recently returned from the region, suggested that the international community had ignored the problem for too long. Another issue that was raised during Excom regarded the physical safety of both refugees, UNHCR staff and other humanitarian personnel. The massacre of the Burundi refugees in August was a tragic example of the danger that faces many refugees living in detention camps and protracted situations. During Excom

the need to improve registration procedures of refugees as well as reception conditions was raised by several concerned states.

A broader theme which was consistent throughout many of the discussions during the week was the need to clarify and better understand the asylum/migration nexus in the context of increasingly restrictive legislation which has been introduced by many states, in response to mixed population flows. In particular the so-called "Mediterranean Strategy" was touched upon as an example of states failing to assume their protection responsibilities and the High Commissioner himself denounced the establishment of offshore processing centres in North Africa. In the current political climate many states now view irregular movement through a national security lens. In response to this trend the High Commissioner stressed the importance of UNHCR's mandate for protection and the responsibility of states to view asylum seekers, initially as potential refugees with real needs to be addressed, rather than primarily as a threat to national security. In a similar vein, Erica Feller, Director of the Department of International Protection, highlighted the fact that some states were implementing the 1951 Convention literally, without any scope for flexibility. This was of concern as such implementation strategies are detrimental to the protection that UNHCR aims to provide and is indicative of an attempt to avoid international protection obligations.

On the final day of Excom the draft report of the fifty-fifth session was adopted including the conclusions and decisions which had been identified in the Agenda. The High Commissioner and the Chairman made some brief closing remarks regarding the achievements of the week.

Convention Plus

The 1951 Refugee Convention is recognised as being the cornerstone of the international refugee protection regime. However, alone it can not adequately meet protection needs in a continually changing world. To address this problem the Office of the United Nations High Commissioner for Refugees (UNHCR) developed the "The Agenda for Protection", which builds upon the 1951 Convention. Rudd Lubbers, The UN High Commissioner for Refugees refers to this strategy as "Convention Plus".² Convention Plus is an international effort that aims to improve refugee protection world wide and to facilitate the resolution of refugee problems through multilateral special agreements. To achieve these aims, discussion and negotiation with states and other partners of UNHCR are utilised to mobilise support and bring about firmer commitments.³(UNHCR, Accessed 2004, WWW, 'Protecting Refugees',)

The "Agenda for Protection" includes the following goals;

- Goal 1: Strengthening implementation of the 1951 Convention and 1961 Protocol;

- **Goal 2:** Protecting refugees within broader migration movements;
- **Goal 3:** Sharing burdens and responsibilities more equitably and building the capacities to receive and protect refugees;
- **Goal 4:** Addressing security related concerns more effectively;
- **Goal 5:** Redoubling the search for Durable solutions;
- **Goal 6:** Meeting the protection needs of refugee women and refugee children.

ARRA's Achievements during Pre-Excom and Excom 2004

Eileen Pittaway and Linda Bartolomei from the Centre for Refugee Research proposed a new research project that will contribute greatly to the way refugee research is conducted. The project aims to examine the role of ethics in refugee research as this is an area which has been neglected in the past. In addition the proposal aims to develop a model that will protect participants in refugee research from questionable research techniques.