

FRAMEWORK AGREEMENT FOR OPERATIONAL PARTNERSHIP

between the

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

and

ADVENTIST DEVELOPMENT AND RELIEF AGENCY INTERNATIONAL

I. Introduction

1. The Framework Agreement for Operational Partnership (FAOP) recognises the importance of the contribution of all entities working with refugees, as well as the need for a strong partnership between the United Nations High Commissioner for Refugees (UNHCR) and all Non-Governmental Organizations (NGOs) involved in refugee operations, to ensure the delivery of effective protection and assistance. For ease of reference, 'refugees' is used in this Agreement to describe **all** persons of concern to UNHCR.

2. The Partnership in Action (PARinAC) process led to the 1994 Oslo Declaration and Plan of Action between UNHCR and NGOs, and among NGOs themselves, and set a framework for joint humanitarian action in favour of refugees. This Framework Agreement for Operational Partnership (FAOP) is a follow up to, and an integral part of, the PARinAC process. Using the Oslo Declaration and Plan of Action as its basis, the FAOP addresses the need for a common approach towards the provision of protection and assistance to refugees. Throughout the FAOP the word 'Partners' is used to denote UNHCR and NGOs together, and refers to both parties to the partnership.

3. Refugee operations range in scale from complex emergencies protecting and assisting hundreds of thousands of refugees to small-scale protection and assistance activities for limited numbers of individual refugees in towns and cities. They may cover such activities as protection, care and maintenance, repatriation, reintegration, institution building, resettlement, representation and advocacy. Cooperation, coordination and operational approaches will be defined by the situation on the ground in any given operation, and will include host Governments, who have overall responsibility for refugee protection in their own country. Sources of funding and inputs from Partners vary significantly in different operations. Partnership therefore requires a deliberate effort on the part of both Partners. By signature of this Agreement, Partners confirm their common commitment to putting in place, at the field and headquarters level, mechanisms to ensure the effectiveness of this Partnership. The FAOP between UNHCR and Adventist Development and Relief Agency aims to build an active operational Partnership through a common commitment to:

- understanding each others roles and responsibilities;
- the highest standards of conduct, both professionally and personally;
- improved mechanisms for consultation and cooperation, including information sharing;
- coordinated programme planning and implementation;
- seeking solutions;
- complementarity of activities;
- maximising the effective use of resources;
- avoiding duplication of efforts and unnecessary competition;
- benefiting from each others competence and expertise;

- joint training and capacity building.

II. Responsibility

4. By virtue of its Statute, UNHCR has responsibility for 'providing international protection, under the auspices of the United Nations, to refugees' and 'seeking permanent solutions for the problems of refugees by assisting Governments and, subject to the approval of the Governments concerned, private Organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities'¹. The High Commissioner is also charged with administering 'any funds, public or private, which s/he receives for assistance to refugees, and shall distribute them among the private and, as appropriate, public agencies which s/he deems best qualified to administer such assistance'². UNHCR is bound by its Mandate and is required to provide protection to refugees, and as a part of its protection activities to coordinate and monitor the assistance provided.

5. The Partners recognise the primary protection role and responsibility of UNHCR in any refugee situation. It is recognised that NGOs have, in many different situations, an important role to play with UNHCR in protection and advocacy at the field level as well as elsewhere. UNHCR's protection policy should be communicated to all UN agencies and NGOs working in a region and should be encouraged to focus their activities to complement UNHCR's protection activities. The UNHCR/NGO field guide on protection will provide the basis for cooperation in protection at the field level³.

III. Standards of Conduct

6. The Partners will be guided by the principles set down in the Code of Conduct of the International Red Cross and Red Crescent Movement and Non-Governmental Organizations⁴ which includes:

- a) The humanitarian imperative comes first;
- b) Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone;
- c) Aid will not be used to further a particular political or religious standpoint;
- d) We shall endeavour not to act as instruments of government foreign policy;
- e) We shall respect culture and custom;
- f) We shall attempt to build response on local capacities;
- g) Ways shall be found to involve programme beneficiaries in the management of relief aid;
- h) We hold ourselves accountable to both those we seek to assist and those from whom we accept resources;
- i) In our information, publicity and advertising activities we shall recognise disaster victims as dignified human beings, not objects of pity.

IV. Consultation and Cooperation

¹ Statute of the Office of the United Nations High Commissioner for Refugees, Chapter 1, Paragraph 1

² Ibid, Chapter 2, Paragraph 10

³ Protecting Refugees, A Field Guide for NGOs

⁴ Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief

7. At the country level the Partners, together with the Government, concerned UN Agencies, local leaders and, wherever possible, refugee representatives (both men and women), will form or support and participate in, a forum for regular general discussion, consultation and cooperation between all those involved in providing protection and assistance to refugees. This will ensure *inter alia* an understanding of the overall policy and strategy of a given operation. This forum will include those NGOs who are parties to the FAOP, as well as those who are not parties to the FAOP but who are prepared to work within the framework of this Forum. (See also paragraph 10, which is an alternative forum for operational coordination at the field level).

8. The Partners recognise the importance of cooperation between NGOs themselves and encourage the establishment of a forum for inter-NGO consultation⁵. UNHCR will provide support and assistance to an NGO forum at the field level, if requested, and where possible.

9. Contact at the headquarters level between partners is important, and could include mailings, briefing meetings, and other regular contacts between the relevant staff. All Partners in an operation need to have access to relevant information on activities and policy on the refugee operations in which they are involved, at the level of their headquarters, as well as in the field.

V. Coordinated Assessment, Planning and Implementation

10. As a rule the Partners will work together on overall needs assessment and operations planning, as well as ongoing assessment, monitoring of protection and assistance activities, needs, general programme review and evaluation. In complex operations, an Operations Committee may be set up, comprising Government Officials, UN Heads of Agency, and NGO Team Leaders, as well as local community leaders, to coordinate the overall activities of an operation. (See also paragraph 7, which is an alternative forum for exchanging information rather than operational coordination). Partners recognise that operations planning and coordination are a part of protection, including the particular protection needs of women and children.

11. Partners will work together to determine the mechanisms required to enable agreement on specific guidelines and standards as required for a particular refugee operation. This may include the formation of one or more sectoral committees to ensure that operation specific standards are consistent with international standards and norms, and that they are adhered to. The Sphere Project: Humanitarian Charter and Minimum Standards⁶ may be used as guidance to determine appropriate guidelines and standards.

12. Partners will work closely together, as well as with refugee representatives and committees, which must include women, to ensure that refugees with special needs are identified and that their protection and assistance needs are properly addressed, including by sectoral committees and community-based programmes. UNHCR's guidelines on dealing with those who are or may become vulnerable, and who are subjected to violence or other treatment requiring special protection will be used in planning and implementing general and specific programmes for refugee operations⁷. This applies particularly to refugee women and children.

⁵ See the InterAction NGO Field Cooperation Protocol

⁶ The Sphere Project - Humanitarian Charter and Minimum Standards in Disaster Response, <http://www.sphereproject.org>. The Sphere Project is a programme of the Steering Committee for Humanitarian Response (SCHR) and InterAction with VOICE, ICRC and ICVA.

⁷ UNHCR and other relevant Standards, Guidelines and Advisory Documents.

13. Sectoral Committees will be chaired by a technical expert, with field experience, from either the host Government, UNHCR (particularly where UNHCR has appointed a technical coordinator) or an NGO, with participation from NGOs working in the same or a similar technical sector. Participation should include, where appropriate, programme, community services and protection staff from UNHCR and/or NGOs. Where there are cross-sectoral technical issues UNHCR and NGOs must ensure that there is coordination between technical experts/sectoral committees on operational questions.

14. Where more than one NGO in an operation is carrying out similar functions, either at the same or adjacent sites, these agencies will agree in a memorandum of understanding (to include UNHCR and, where appropriate, a Government agency) the coordination and decision making mechanisms put in place to ensure compatible programmes and appropriate standards.

15. The Partners recognise the contribution of the host population in any refugee operation and are committed to ensuring that there is an early assessment of the impact of the refugee population on the area in which they find themselves and to take timely action to minimise the adverse effect of this impact on the local environment and population.

16. The Partners emphasise the importance of protection, meeting the needs of the vulnerable/potentially vulnerable and involving the refugee population in all aspects of operations planning and implementation. They will, in particular, ensure that refugee committees, including women's groups, are consulted and involved on both technical and general operational management issues.

VI. Effective use of Resources

17. UNHCR and NGO Partners will endeavour to identify national bodies, with whom they can work closely, in order to use effectively local resources and enhance local capacity in the long term, with a view to handing over activities to national partners as soon as appropriate. International NGOs with local sections/branches will support activities to enhance the capacity of their local sections to enable them to participate more fully in refugee operations.

18. The Partners are committed to ensure adequate care for all of their staff, national and international, in the field⁸. Recognising that circumstances in which humanitarian aid is provided are becoming harder and people are an essential factor in the success of refugee operations, Partners will strive to create adequate working conditions for their staff. In particular, all reasonable steps will be taken to ensure security and well being of staff.

19. The Partners recognise the importance of staff development in improving the effectiveness of refugee operations. Both will ensure that their staff receives appropriate training, including joint UNHCR/NGO training at the field level.

20. The Partners recognise the importance of effective monitoring and evaluation in ensuring the highest possible standards of service to refugees in the most cost-effective manner. Partners will make every effort to conduct joint monitoring and evaluation at the field level.

21. The partners are committed to the need to report on their activities, from the perspective of both finance and effectiveness.

⁸ People in Aid Code of best practice in the management and support of aid personnel provides principles of practice.

VII. Security and Communications

22. In insecure and isolated areas the Partners recognise the mutual dependence of all humanitarian workers at the field level for their security and communications strategy, and the potentially adverse impact the actions of one partner may have on the other. The Partners are committed to working closely to ensure information sharing, cooperation and coordination in both these areas, and will ensure that, where appropriate, all staff in the field are fully briefed on the security situation, the security plan, restrictions and other security measures in force. Partners are responsible for the behaviour and action of their own staff and ensuring their compliance with agreed security procedures. UNHCR will assist, to the extent possible, the NGO partner to have access to both telecommunications equipment and training.

VIII. Agreement Implementing Principles

23. This Agreement reflects a broad framework within which Partners will work. However, Partners agree that it is important to the implementation of this agreement that, at the operational level, there will be local agreements that reflect the reality of individual operations. These local operational agreements should address the issues outlined in Sections IV (Consultations and Cooperation), V (Coordinated Assessment, Planning and Implementation), and VI (Effective Use of Resources). This does not exclude Partners reaching agreements on other issues specific to an individual operation, and which will enhance the effectiveness of a joint response to a refugee situation.

24. Nothing in this agreement shall affect the relations of UNHCR with its Executive Committee or the Office of the Secretary General of the United Nations, nor shall it affect the contractual relationship between UNHCR and any implementing partner.

25. This Agreement does not affect the identity or core values of individual partners.


26. This Agreement will enter into force upon its signature by both parties and shall be of indefinite duration. It may be terminated by either party upon 30 days written notice.

27. The text of this FAOP will be monitored regularly by a Joint UNHCR/NGO Working Group. An NGO member, elected by the Joint Working Group, will Chair the Working Group, and UNHCR's NGO Coordinator will act as Secretary to the Working Group and provide a focal point for the Working Group's follow up to this Agreement. Arrangements will be put in place for the Joint Working Group to consult widely before proposing modifications to the text. Joint evaluations by the signatories of the FAOP of adherence to the principles embodied in this Agreement will be organised as deemed appropriate.

28. The Partners shall ensure that this FAOP is widely disseminated within their own Organizations, including at the field level. Action to promote adherence to the terms of this Agreement will be initiated at all levels by both Partners. In new operations, the FAOP will serve as a mechanism for establishing an agreed coordination strategy. For on-going operations, the FAOP will serve as a mechanism for evaluating and strengthening existing coordinating strategies.

29. Problems arising from the implementation of this Agreement will be dealt with initially between the senior staff member of each partner at the field level. In the absence of a satisfactory conclusion, the matter can be referred by UNHCR offices to the Coordinator of

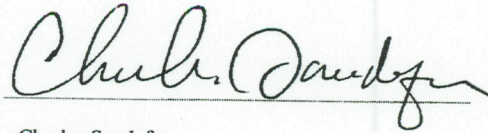
the NGO Liaison Unit and by Adventist Development and Relief Agency staff to a designated staff member at ADRA's headquarters for review.



RFM Lubbert

The UN High Commissioner for Refugees

Date: 6 October 2004



Charles Sandefur
President
Adventist Development and Relief Agency
International

Date: 6 October 2004