

GLOBAL CONSULTATIONS ON INTERNATIONAL PROTECTION  
FOLLOW-UP TO THE SECOND MEETING OF THE THIRD TRACK:  
PROTECTION OF REFUGEES IN THE CONTEXT  
OF INDIVIDUAL ASYLUM SYSTEMS

I. INTRODUCTION

1. The second meeting under the “third track” of the Global Consultations (28-29 June 2001) considered two topics: refugee protection and migration control; and asylum processes (fair and efficient procedures). Discussions led to a number of conclusions and recommendations that lend themselves to follow-up action by States, UNHCR, NGOs and other organizations, as identified below. This note should be read in conjunction with the draft report (EC/GC/01/15) and the Chairman’s Summary (circulated on 7 August 2001), both of which describe the main conclusions in more detail. Follow-up action deriving from the first meeting held in March 2001 is outlined in the *Update on Global Consultations on International Protection* presented to the twentieth meeting of the Standing Committee<sup>1</sup>.

II. REFUGEE PROTECTION AND MIGRATION CONTROL

Conclusions and Follow-up

2. Six broad conclusions were reached under this topic, set out below, for which specific activities were identified.

- (a) More detailed and coherent data and statistics are needed to inform more effective responses, in view of the paucity of data available on migratory movements, the types and volume of mixed movements, as well as on their underlying motivation:
- States are invited to generate and share with IOM and UNHCR more detailed data and statistics on migratory movements, including precise data concerning refugees and asylum-seekers (e.g. number of undocumented asylum-seekers, including a breakdown by country of origin and whether they were smuggled; travel routes; etc.).
  - The International Organization for Migration (IOM) could usefully carry out a detailed study on the root causes of irregular migration.
  - States should also pursue the suggestion that regional organizations, such as the Council of Europe, the Organization for Security and Cooperation in Europe and the Southern African Development Community, might undertake similar studies for the regions they cover.
  - Measures to improve data collection and analysis could be part of the work of an Action Group on Asylum and Migration (see 2(e), below).

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<sup>1</sup> EC/51/SC/CRP.12, Annex II.

- (b) Legitimate measures to stem trafficking and smuggling should not be allowed to override States' commitments to refugee protection responsibilities – notably the principle of *non-refoulement* – and to respect of human rights in general, as well as migrants' rights:
- States are encouraged to accede to and fully implement the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the 2000 United Nations Convention against Transnational Organized Crime and its Protocols, the 1990 Convention on the Protection of All Migrant Workers and their Families, and relevant ILO Conventions (notably nos. 97 and 143).
- (c) Information campaigns both in countries of origin and receiving countries could be an important component of comprehensive and multifaceted responses to the phenomenon of mixed movements:
- States and UNHCR should explore the development of a model information campaign to be factored into responses to mixed movements. Such a campaign should provide information on available channels for legal immigration, warn of the dangers of smuggling and trafficking, as well as promote public recognition of the contributions both migrants and refugees make to host societies.
- (d) In recognition of the positive contribution of the regional workshop held in Ottawa in May 2001<sup>2</sup>, which focused on refugee protection safeguards in interception measures, UNHCR should develop relevant guidelines, initiate training in this area, and pursue consultations on this issue with a wider group of States:
- UNHCR will develop Guidelines on Safeguards for Interception Measures, incorporating appropriate protection safeguards and drawing on the conclusions and recommendations of the Ottawa regional meeting. These Guidelines will, *inter alia*, update UNHCR's 1988 guidelines on rescue at sea.
  - Together with the Guidelines, UNHCR will develop a training package on protection safeguards in interception measures for States, intergovernmental organizations and non-governmental organizations (NGOs).
  - States should cooperate with UNHCR in broadening consultations on this issue, drawing on the valuable experience of the Global Consultations second track meetings of experts. UNHCR will explore the idea of a roundtable of experts which may possibly lead, *inter alia*, to some form of new understanding on international standards for the protection of refugees intercepted on the high seas.
- (e) A joint UNHCR/IOM Action Group on Asylum and Migration (AGAM)<sup>3</sup> should be established and include interested States and organizations:
- UNHCR and IOM will proceed to establish AGAM, in consultation with interested States and organizations (such as the International Labour Organization and the Office of the United Nations High Commissioner for Human Rights). The terms of reference of the group could include pursuing better data collection and analysis, formulation of policy options on discrete issues, training and practical project initiatives in the field and in Geneva.
  - UNHCR and IOM will inform the Executive Committee/IOM Council on the work of AGAM.

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<sup>2</sup> See EC/GC/01/13.

<sup>3</sup> See EC/GC/01/12, para. 45.

- (f) Quick and effective return of persons found *not* to be in need of international protection was desirable:
- IOM was requested to assume the lead role in returning persons not in need of international protection, including in countries with limited resources.
  - IOM was requested to produce and disseminate suggestions on how to ensure safe and humane return and what was the place of “voluntariness” in this context.

### III. ASYLUM PROCESSES (FAIR AND EFFICIENT PROCEDURES)

#### Conclusions and Follow-up

3. Consideration of this topic will continue at the third meeting of the Global Consultations (27-28 September 2001). Four initial conclusions which lend themselves to follow-up action were as follows:
- (a) States that have not yet done so should establish fair and efficient asylum procedures, on the basis of UNHCR advice and existing Executive Committee (ExCom) guidance (notably Conclusions 8 and 20).
- States are invited to take up this challenge.
  - UNHCR will continue providing technical and, subject to the availability of funds, financial support for the establishment of fair and efficient asylum procedures.
  - States having made offers of technical and other support during the Global Consultations third track meeting are invited to cooperate with UNHCR in such capacity-building activities. UNHCR will approach States separately with suggestions in this regard.
- (b) There is a need for guiding principles and standards for asylum procedures derived from the framework of international refugee law. The compilation of best practice contained in EC/GC/01/12 (notably para. 50) could, *inter alia*, be a useful basis for further consultations.
- States and UNHCR should continue discussions within the ExCom framework on guiding principles related to asylum procedures to ascertain whether there is support for the adoption of a new ExCom Conclusion building on earlier Conclusions, best State practice and relevant international legal standards.
- (c) UNHCR's proposal of a single, consolidated procedure to assess whether an asylum-seeker qualifies for refugee status or other forms of complementary protection merited further consideration as a potential means of swiftly and fairly identifying those in need of international protection.
- For the third meeting under the third track of the Global Consultations in September, UNHCR will further elaborate on the merits and possible components of such a single procedure.
- (d) Training to ensure that officials at the border and other points of entry are aware of standards and procedures for reception at the border.
- UNHCR will continue training and promotional activities as an integral part of its protection capacity-building work at national level.
  - States having made offers of technical and other support during the Global Consultations third track meeting should confirm their offers of support to UNHCR.