

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

I. INTRODUCTION

1. The third meeting under the “third track” of the Global Consultations (27–28 September 2001) considered three topics: reception of asylum-seekers, including standards of treatment; complementary (or “subsidiary”) forms of protection; and strengthening protection capacities in host countries. Discussions led to a number of broad understandings and recommendations that lend themselves to follow-up action by States, UNHCR, NGOs and other organizations, as suggested below. This note should be read in conjunction with the Chairman’s Summary (circulated on 12 November 2001) and the draft report of the meeting (EC/GC/02/02), both of which describe the main conclusions in more detail. Its contents will be reflected in the draft Agenda for Protection along with those of the notes on follow-up to previous “third track” meetings of the Global Consultations.

II. RECEPTION OF ASYLUM-SEEKERS, INCLUDING STANDARDS OF TREATMENT

Main Understandings and Follow-up

2. Two broad understandings were reached under this topic. Specific activities were identified for each.
- (a) Recognition of the usefulness of a set of guidelines on core reception standards, which could be offered to States to work with or adapt to their particular circumstances, while respecting international human rights and refugee protection imperatives. Activities would comprise:
- Elaboration of a basic framework for reception policies in the form of an ExCom Conclusion;
  - Following the adoption of such a Conclusion, UNHCR should develop *Guidelines on the Reception of Asylum-Seekers*.
- (b) Agreement that various costs associated with hosting asylum-seekers, often in large numbers, clearly constitute one of the most significant challenges for any State. Many developing countries called for more resolute international cooperation, burden-sharing and capacity-building.

UNHCR should explore further the possibility of a specific fund to assist developing countries financially and technically in order to bring reception standards into line with international standards.

### III. COMPLEMENTARY FORMS OF PROTECTION

#### Main Understanding and Follow-up

3. There was broad support for opening consultations on an ExCom Conclusion on complementary forms of protection. Support was also given to the idea of a consolidated single procedure which first assesses whether an asylum-seeker qualifies for 1951 Convention refugee status and, if not, then assesses the need for a complementary form of protection. Such a procedure was perceived as the clearest, swiftest and most economical means of identifying persons in need of international protection. Follow-up should thus be:

- The elaboration of an ExCom Conclusion providing guidance on complementary forms of protection, including the single comprehensive procedure, it should take account of the elements listed in the concluding observations of contained in the background note (EC/GC/01/18 para. II (a) - (i)).

### IV. STRENGTHENING PROTECTION CAPACITIES IN HOST COUNTRIES

#### Main Understandings and Follow-up

4. Discussions on this cross-cutting theme recognized the need to strengthen protection capacities, as *sine qua non* for effective implementation of international protection norms and standards. There were nine broad understandings under this topic as listed below. Possible follow-up action for each has been identified by UNHCR.

- (a) Wide support for the general thrust of background paper EC/GC/01/19 including Annex 1 on strategies to strengthen protection capacities, and Annex II giving examples of best practices. UNHCR should amend and broaden the guiding principles and framework and maintain Annex II as a running catalogue.
  - UNHCR will further develop the capacity-building guiding principles and framework set out in the background note in light of the discussions.
  - UNHCR will develop a *Manual on Strengthening Protection Capacities* to provide its staff and partners with a tool to achieve a more consistent approach to strengthening protection capacities; at the same time, UNHCR will maintain an updated catalogue of initiatives and activities in this area, drawing on Annex II of the note to be placed on UNHCR's public website.
- (b) General agreement that exploration of opportunities for resource mobilization deserved further exploration.
  - Donor States might consider allocating a percentage of development funds to programmes benefiting both refugees and the local population in host countries.
  - UNHCR and States should explore new funding strategies with the private sector, including in the context of the *Global Compact Initiative* launched by the United Nations Secretary-General.

- (c) Support for the design by States and UNHCR, in cooperation with other partners, of strategies to strengthen protection capacities where they do not yet exist and/or to assist in ongoing strategies. In this regard, some delegates supported the idea of “twinning” projects whereby civil servants from national administrations make themselves available to assist other States with less developed protection structures to build up the expertise they require.
- Depending on the level of interest, UNHCR might convene regional/sub-regional workshops, involving States and NGOs, with the purpose of devising and implementing specific country or regional strategies to strengthen protection capacities.
  - States/NGOs should examine how to expand “twinning” projects.
- (d) Broad recognition of the need for efficient and effective coordination among the various partners to devise viable and sustained protection structures, with UNHCR playing a coordinating role.
- In funding agreements, particularly with NGOs but also developing countries, the donor community may wish to express explicitly that programmes aimed at strengthening protection capacity should be coordinated with UNHCR.
- (e) Strong support for establishing priorities among the various activities to strengthen protection capacities and to identify host countries requiring support. Criteria to be taken into account could include: concrete and measurable activities aimed at creating viable structures and a focus on host countries from which irregular movements take place.
- UNHCR should identify where activities to strengthen capacity are most needed, establish priorities among the various activities, and identify host countries requiring support.
  - UNHCR could then facilitate the pairing of needs with concrete offers of support and expertise by States, IGOs, NGOs, the private sector and other actors.
- (f) The broad recognition of the importance of a receptive host environment to foster a positive and respectful attitude towards refugees.
- Political leaders should take measures which send a clear message of commitment to uphold the basic values underpinning the 1951 Convention and 1967 Protocol;
  - States and NGOs should make better use of and distribute public awareness material, including those developed by UNHCR (e.g. as developed for *Respect*, *Stereotypes*; and *Laterna Magica* campaigns), as well as educational material (pamphlets and brochures for refugee children and teenagers; and education kits, including teachers' guides).
  - All protection stakeholders should develop confidence-building measures among local and refugee communities to create a receptive climate for refugee protection.
- (g) Widespread recognition that refugees have capacities that can and should be tapped and that empowered and self-reliant refugees are better prepared to work towards finding durable solutions.
- States should plan refugee programmes in a manner that encourages self-reliance in host countries and, to this end, refugees should be allowed where at all possible to engage in gainful activities. This might require some re-evaluation *inter alia* of national employment laws, which UNHCR should assist by disseminating to States Parties an evaluation of economic and social conditions for refugees in host State Parties;
  - Donor community should examine how to provide the necessary means for education, vocational training, income-generating programmes, etc.;

- UNHCR, States and NGOs should work together in the design and implementation of programmes specifically structured to empower refugees and their representatives.
- (h) Broad recognition that NGOs, particularly local NGOs, have a role to play in strengthening protection capacities.
- States who have not yet done so might accord NGOs improved legal status through creating a clear legal framework for their operations and to contribute to strengthening the protection capacities of NGOs, including national NGOs.
  - UNHCR and NGOs should take advantage of existing mechanisms (e.g. PARinAC, Reach Out) and reinforce their partnerships to strengthen protection capacities. UNHCR will update its 1998 *Strategy for Enhancing National NGO Partner Effectiveness*.
  - UNHCR will examine further ways it might strengthen partnerships for protection, not only with host and donor governments (including national legislatures), but also NGOs, other components of civil society, as well as refugees.
- (i) Strengthening of resettlement capacities was recognized as an important element of building protection capacities.
- The relationship between protection capacity and resettlement should be examined in the Working Group on Resettlement.