

**Global Consultations:  
Protection of Refugees in the Context of Individual Asylum Systems  
(27–28 September 2001)**

***Chairman's Summary***<sup>1</sup>

The debate during the third meeting under the third track of the Global Consultations on International Protection was again marked by a constructive and inter-active dialogue, as well as frank exchanges amongst all participants. There were many converging views on the three sub-topics under discussion. The participants again recognized the useful contribution of the regional workshops, the latest of which was held in Cairo and comprised a meeting of States, United Nations and other intergovernmental organizations (3-4 July 2001) and NGOs (5 July 2001). Such meetings have helped to factor in the views of the field and provided an important "reality check" for the Global Consultations process as a whole.

**1. Reception of asylum-seekers, including standards of treatment (EC/GC/01/17)**

Interventions by delegations addressed a number of issues under this topic. The following emerged from the discussions:

- Widespread support for a human-rights-based approach in defining adequate reception standards for asylum-seekers, which might also draw on social, economic and cultural rights. The following minimum conditions of stay were mentioned: stay in dignity; respect for family life; access to education; access to health; freedom of movement, with measures of detention on an exceptional basis only; conditions to meet special vulnerabilities, including victims of violence and trauma;
- Emphasis on the need for swift and fair processing of asylum applications as a means to preserve the integrity and credibility of asylum systems;
- Mention of the importance of creating a climate receptive to asylum-seekers to avoid racism and xenophobia;
- Emphasis by many developing countries on the need for international cooperation, burden sharing and capacity building, without which it would be difficult for them to meet all of the standards advocated in UNHCR's background note;
- Suggestion that it might be useful to explore the creation of a specific fund to assist developing countries financially and technically to bring reception standards in line with international standards;
- Concern by some delegations about the risk, in the absence of harmonized approaches, of creating pull factors and possibly encouraging abuse of asylum procedures by setting in place differing reception regimes;
- Contesting by other delegations of the link between reception conditions and abuse of asylum procedures;
- While the discussions had focused on reception of individual asylum-seekers, emphasis that reception in camps is an issue which also deserves consideration;
- Broad support for using the basic framework for reception policies recommended in UNHCR's background note as a basis for standard setting in a future ExCom conclusion.

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<sup>1</sup> A more extensive record of discussion will be made available in the report of the meeting

*Follow-up*

It was agreed:

- To embark on consultations within the Executive Committee framework on the wording for a Conclusion on a basic framework for reception policies, to be followed by;
- The development of UNHCR Guidelines on the Reception of Asylum-Seekers. These guidelines should also focus on asylum-seekers with special needs, including victims of torture and sexual or gender-based violence.

**2. Complementary (or “subsidiary”) forms of protection (EC/GC/01/18)**

Interventions by delegations addressed a number of issues under this topic. The following emerged from the discussions:

- Welcome the inclusion of this topic on the Global Consultations agenda and recognition that thinking in this area has progressed substantially since Standing Committee discussions in 2000; in this context, appreciation for UNHCR’s background note, including the references to best State practice;
- Broad agreement that complementary forms of protection are a useful complement to the international protection regime based on the 1951 Convention/1967 Protocol, but should not compromise full application of the refugee definition contained in these instruments;
- Recognition that complementary forms of protection often stem from human rights considerations;
- General agreement on the need for greater coherence and some degree of formalization of the various notions of complementary protection being applied, as well as the need for clearer definition and consistency;
- Recognition that clarifying to whom complementary forms of protection should be applied was difficult but desirable;
- Broad recognition that the standards of treatment for the beneficiaries of complementary forms of protection should be the same or as close as possible to those offered to recognized refugees;
- Broad agreement that complementary forms of protection must be distinguished from temporary protection applicable in mass influx situations;
- Widespread support for UNHCR’s recommendation to establish a single procedure in which there is first an examination of the Convention grounds for the recognition of refugee status before proceeding to examine possible grounds for the grant of complementary forms of protection;
- Broad agreement that such a single procedure had, where already being implemented, proved to be humane, speedy and efficient.

*Follow-up*

It was agreed:

- To begin consultations on the elaboration of an ExCom Conclusion on complementary forms of protection, using as a basis the concluding observations of UNHCR’s background note.

### 3. Strengthening protection capacities in host countries (EC/GC/01/19)

This topic is also related to international solidarity and burden-sharing, which is a cross-cutting theme of the Global Consultations. The following emerged from the discussions:

- Unanimous recognition of the need to strengthen protection capacities, as a *sine qua non* condition to implement effectively international protection standards;
- Broad support for the general thrust of the background paper (and the framework to strengthen protection capacities outlined in its Annex I) and recognition of the usefulness of the concrete examples and best practices described in its Annex II;
- Suggestion by many delegations that strengthening protection capacities must be framed in the broader context of international cooperation, solidarity and burden-sharing, and entail adequate funding, *inter alia* to UNHCR, to build protection capacity in host countries;
- Recommendation that capacity-building should also focus on countries of origin, to promote respect for human rights, contribute to eradicating the root causes of refugee flows and boost the sustainability of voluntary repatriation;
- Recognition of the key role played by NGOs in this area, both as agents of capacity-building as well as beneficiaries of such efforts;
- Acknowledgement that strengthening protection capacities is a complex process that needs to take account of social, cultural and economic conditions in the host country and, to be effective, requires sustained support, implementation of activities that are concrete and measurable, as well as evaluation and follow-up;
- Recommendation that regional dialogues and approaches are an important element of building protection capacity;
- Suggestion by some States of the need to recognize the positive impact that refugees can have on their host societies and a call to make more resources available for education and vocational training, to encourage productive activities for refugees, particular those dependent on international assistance, and limit dependency;
- Broad support for anchoring refugee issues in the development agenda of States, development agencies and donor countries;
- Recognition of the importance of strengthening protection capacities in host countries, but that limited capacity should not reduce the possibility for refugees to seek and be granted asylum;
- Broad recognition of the need for efficient and effective coordination among the different partners to devise viable and sustained protection structures. UNHCR was called upon to take on a coordinating role in this area;
- Broad recognition of the importance of a receptive host environment, to foster a positive and respectful attitude towards refugees;
- Recognition that strengthening resettlement capacity is an important element of building protection capacities;
- Consensus that formulating an ExCom conclusion on the topic of strengthening protection capacities in host countries would not be appropriate at this stage.
- UNHCR and partners to devise programmes which build upon refugee capacities to encourage empowerment, self-reliance and lay the ground for durable solutions.
- Suggestion to accord NGOs legal status, where it does not exist and, if required, fully integrate them in capacity-building activities.

*Follow-up*

It was agreed that:

- UNHCR should amend and broaden the guiding principles and framework set out in the background note in light of the discussions;
- UNHCR could usefully develop a manual on protection capacity-building, or alternatively maintain an updated catalogue of initiatives and activities in this area, drawing on Annex II of the background note to be placed on UNHCR's website;
- Opportunities for resource mobilization should be explored further, *inter alia*, with the private sector, as well as possibilities for the donor community to allocate a portion of development funds to programmes benefiting both refugees and the local populations that host them;
- UNHCR should identify where activities to strengthen protection capacities are most needed, establish priorities among the various activities, and identify refugee-hosting countries requiring support. UNHCR should facilitate the pairing of needs with concrete offers of support and expertise by States, IGOs, NGOs, the private sector and others.
- The idea of "twinning" projects could be further developed, whereby civil servants from national administrations make themselves available to assist other States with less developed protection structures to build up expertise in the different areas;

In concluding the meeting (the last under his chairmanship), the Chairman stressed that the amount of substantive preparation for the discussions had been impressive, thanks to the excellent work of DIP supported by the Secretariat. He observed that Track 3 of the Global Consultations had generated a vigorous dialogue with broad participation, and had provided a platform for frank and constructive interaction and partnership between UNHCR, States and civil society, allowing more meaningful reflection and analysis than was normally possible in the framework of the Executive Committee. The process was resulting in renewed, invigorated recommitment to refugee protection and more collective ownership of refugee protection by States. He also looked forward to seeing its various outcomes translated into an Agenda for Protection, and urged further consultations towards this goal.