

Concept Paper on the “High Commissioner’s Dialogue on Protection Challenges”

I. Introduction

1. During the 57th Session of UNHCR’s Executive Committee (ExCom) in October 2006, the High Commissioner, Mr. António Guterres, announced his intention to establish a “forum” to further dialogue between the Office and States on topical, protection-related issues. This concept paper provides additional information on this initiative, now to be known as the “High Commissioner’s Dialogue on Protection Challenges” (Dialogue on Protection Challenges).

II. Background

2. The idea of a flexible, non-directive consultation between the High Commissioner and States first emerged during the Global Consultations on International Protection which took place between 2000 and 2002. The *Agenda for Protection*, endorsed by ExCom at the conclusion of that process, urged UNHCR:

“to maintain the positive momentum of the Global Consultations process” and “provide a forum for high-level and participatory dialogue on protection issues, emerging global themes and challenges, as well as specific protection situations, particularly those of an urgent character.”¹

3. The former High Commissioner, Mr. Ruud Lubbers, established a “High Commissioner’s Forum” in June 2003 principally for use as a vehicle to pursue the “Convention Plus Initiative.” The final meeting of this Forum process took place at the end of 2005, as UNHCR moved to mainstream Convention Plus into the regular work of the Office.

III. The High Commissioner’s Dialogue on Protection Challenges

4. The High Commissioner believes in both the need for and value of a flexible mechanism at his disposal for dialogue on a broad range of protection issues, emerging global themes and challenges, specific protection situations, and potential responses.
5. The Dialogue on Protection Challenges is intended to be this mechanism, albeit without evolving into a standing body. It will instead be convened, at the High Commissioner’s initiative, to permit discussion of special, novel or sensitive protection-related matters which he judges would benefit from an open exchange of views with States. The discussions would not necessarily be structured to elicit formal or agreed outcomes, or prejudge the way forward.
6. The Dialogue on Protection Challenges would be similar in spirit to the Annual Tripartite Consultations on Resettlement, which continues to provide an important vehicle for strengthened cooperation between UNHCR, Governments and NGOs in the area of resettlement. These consultations have allowed for open, frank and transparent dialogue aimed at stimulating the development of new and innovative

¹ *Agenda for Protection*, UNHCR, Goal 1, Objective 5, page 35.

ways to solve problems, and combine resources and activities in order to improve resettlement outcomes for refugees.

7. It is expected that the High Commissioner will convene the Dialogue on Protection Challenges once a year. The first meeting is scheduled to take place on 12 December 2007 at the Palais des Nations in Geneva.

IV. Link with ExCom

8. ExCom is and will remain the principal forum for UNHCR to engage with ExCom members and observers on protection matters. By tradition, this guidance has taken the form of Conclusions on International Protection.
9. The Dialogue on Protection Challenges will neither compete with nor substitute ExCom. Its aim is not to take over the dialogue on questions relating to UNHCR's governance or the performance of the Office's protection mandate per se. Nor would participation be limited to ExCom members and Standing Committee admitted observers. The views of all those considered to have a stake in addressing the issues under consideration will be taken advantage of.
10. Depending on how the Dialogue on Protection Challenges proceeds, the High Commissioner may determine that a theme or issue under discussion should be taken up by ExCom, for example, for possible treatment in a Conclusion. In this sense the "Dialogue" could prove important in helping to identify issues for ExCom's protection agenda and lay the basis for more technical discussion.

V. Issues for consideration by the "Dialogue on Protection Challenges"

11. The High Commissioner has already indicated to ExCom that he would like the first meeting of the "Dialogue on Protection Challenges" to examine the *nexus between refugee protection and international migration* (asylum-migration nexus).
12. While UNHCR has made some progress in implementing the call in the *Agenda for Protection*² for "protecting refugees within broader migration movements", there are a number of related issues where States have expressed a clear interest in having further, broad discussion. The first meeting of the Dialogue on Protection Challenges could promote ways to move forward on issues where concerns or interests are various, including in particular the matters which comprise key areas for initiative in UNHCR's 10-Point Plan of Action on Refugee Protection and Mixed Migration. This list includes the nature and proper characterization of mixed movements; securing protection for those who need and deserve it; addressing irregular secondary movements of asylum-seekers and refugees; rescue at sea; smuggling and trafficking aspects; solutions; and international solidarity and burden-sharing.
13. In future, other issues which the High Commissioner may bring to the Dialogue on Protection Challenges could, for example, include:
 - Factors which should trigger entry and exit strategies in protection-based operations
 - Protection of asylum-seekers in mass displacement situations

² AfP, Goal 2.

- The link between environmental factors and foreseeable large-scale population movements in future

VI. Participants

14. Invitations to participate in the Dialogue on Protection Challenges will be extended to the Member States and observers of ExCom, with the High Commissioner looking forward to participation from the capitals as well. Depending on the issue under consideration, the relevant sister agencies of the UN system, other IGOs, NGOs and other important partners will also be invited to take part in the Dialogue process. It is also expected that experts, including from States, academia or NGOs, would be invited to the deliberations.

VII. Organizational matters

15. The Dialogue on Protection Challenges will conduct its business in Geneva and will work in Arabic, Chinese, English, French, Russian and Spanish. To limit costs, documentation will be provided in English and French only.

16. The Dialogue on Protection Challenges will be chaired by the High Commissioner. To keep the deliberations as frank, interactive and informal as possible, they will not be attributed. The High Commissioner would not seek to secure negotiated outcomes. Rather, he would round off the discussion with a “Chairman’s Summary” and, as relevant, he could make recommendations resulting from those discussions.

VIII. Links with relevant UNHCR initiatives

17. The Dialogue on Protection Challenges will broadly complement an internal UNHCR dialogue initiative called the “Field Reference Group on Protection Policies” (FRGPP). The FRGPP was established in late 2006 with the objective of strengthening and formalizing the role of the Field in the elaboration of UNHCR’s protection policies and tools. The Group comprises some 20 UNHCR Field representatives and other senior staff chosen for their knowledge and experience in developing protection and durable solutions strategies and their demonstrated interest in protection issues. In a first phase, the group is reviewing a set of cross-cutting protection issues which have already been identified by UNHCR’s Senior Management Committee as priorities for the Office.

18. Certain of the issues addressed by the FRGPP may also be considered by the High Commissioner’s Dialogue on Protection Challenges. This is the case, for example, of “asylum in the context of mixed movements”, which will be on the agenda of the first FRGPP meeting which is scheduled to take place in September 2007. The FRGPP’s deliberations on that issue will assist the High Commissioner to prepare for the first meeting of the Dialogue on Protection Challenges.