

GLOBAL CONSULTATIONS
FOLLOW-UP TO THE FIRST MEETING OF THE THIRD TRACK:
REFUGEES IN MASS INFLUX SITUATIONS¹

I. INTRODUCTION

1. The first substantive meeting of the “third track” of the Global Consultations (8-9 March 2001) engendered a number of conclusions and recommendations that lend themselves to follow up action by States, UNHCR NGOs and other organizations. Some issues will, of course, require more discussion before appropriate follow-up action can be determined. This note summarizes potential key follow-up actions under the first theme and should be read in conjunction with the draft report of the meeting (EC/GC/01/8) and the Chairman’s Summary, both of which describe all of the main conclusions.

2. To be effective, follow-up will require committed action by all stakeholders – especially States, but also NGOs, UNHCR, the wider UN family and others. UNHCR invites States, NGOs and other stakeholders to indicate areas where they would like to initiate or participate in follow up action in cooperation with UNHCR and to suggest additional follow-up actions.

II. PROTECTION OF REFUGEES IN MASS INFLUX SITUATIONS:
OVERALL PROTECTION FRAMEWORK

Conclusions and Follow-up

3. There were three broad conclusions under this topic, for which the following action has been identified.

(a) Future responses to mass influx, including resort to temporary protection arrangements, should build on the Convention framework and draw on positive lessons from practice.

- UNHCR will prepare a comparative study on protection responses to mass influx, with a view to examining the need for an additional authoritative international statement, binding or otherwise. Options to be considered would include an Executive Committee Conclusion on mass influx and/or an Optional Protocol to the 1951 Convention. UNHCR will present an outline of the study to the Meeting of States Parties to the Convention/Protocol (Track One) on 12 December 2001.

(b) Guidance is needed on how to identify and determine whether to exclude individuals from protection under the 1951 Convention in the context of group determination on a *prima facie* basis.

- To clarify the procedural aspects of exclusion in the context of group determination on a *prima facie* basis, interested States, UNHCR and NGO partners will develop and disseminate procedural guidelines for field testing in pilot locations. Some key principles on exclusion were identified during the Second Track round table on exclusion and cessation in Lisbon (4-5 May 2001).

(c) Resettlement can be a valuable tool of protection in the context of mass influx.

¹ This overview of follow-up activities was made available to the Standing Committee as Annex II to the *Update on Global Consultations on International Protection*, EC/51/SC/CRP.12, 30 May 2001.

- States should examine how to apply more flexible resettlement criteria in mass influx situations or *prima facie* recognition, taking into account the requirement of many States to conduct individual resettlement screening.
- Review of resettlement criteria is to be placed on the agenda of the next meeting of the Working Group on Resettlement (tentatively September 2001).
- Norway will host, in cooperation with UNHCR, a Global Consultations regional meeting which will be tasked, *inter alia*, to examine resettlement in the context of responsibility and burden sharing.

III. CIVILIAN CHARACTER OF ASYLUM, INCLUDING SEPARATION OF ARMED ELEMENTS AND SCREENING IN MASS INFLUX SITUATIONS, AS WELL AS STATUS AND TREATMENT OF EX-COMBATANTS

Conclusions and Follow-up

4. There were five conclusions under this topic, which lend themselves to follow-up.

(a) States require technical support (standards and procedures) and dedicated resources to ensure security of refugees, refugee camps and refugee-hosting areas and preserve the civilian character of asylum in mass influx situations involving the arrival of armed elements.

- UNHCR will work with interested Governments, NGOs and other relevant organizations to develop standards and procedures (in conformity with international humanitarian law, refugee law and human rights law) for the separation of armed elements from the refugee population. These should be field tested in location(s) to be determined in cooperation with stakeholders. Testing should also focus on how the issue of capacity building can be pursued in concrete situations.
- States should adopt relevant standards and procedures to preserve the civilian character of asylum, one basis for which will be laid through an Executive Committee Conclusion which will set out some guiding considerations, drawing on those offered to the March meeting of the Global Consultations.

(b) The United Nations Secretary-General and the Security Council should be informed of the issue of armed elements in refugee camps and related roles and responsibilities for security in refugee-hosting areas and separation and disarming of armed elements.

- UNHCR contributed to the Secretary-General's report to the Security Council on Protection of civilians in armed conflicts (March 2001). It will continue to regularly inform the UN Secretary-General and, on request, the Security Council on these issues. UNHCR will also play a role in following up on the action suggested by the Security Council pursuant to the Secretary-General's report, following the open debate on 23 April 2001.

(c) States faced with security problems in the context of a refugee crisis need practical tools to strengthen their capacity to maintain security.

- States should follow up with practical suggestions for cooperation with UNHCR, DPKO and other segments of the UN to develop a viable operational framework to ensure security and thereby improve refugee protection.
- States should materially support UNHCR to establish standby capacity for dedicated expertise (Humanitarian Security Officers).
- UNHCR will prepare an assessment of lessons learned with the Tanzania Security Package and other relevant experiences prior to adaptation/replication, as appropriate.

(d) There is a need to address the serious repercussions of security problems on refugee women and children.

- UNHCR, together with States, NGOs and other partners, will undertake further practical development of Guidelines on the Protection of Refugee Women in light of the findings of the UNHCR/donor evaluation, with a focus on their more effective implementation.
- UNHCR, together with States, NGOs and other partners, will undertake further development of Guidelines on the Protection and Care of Refugee Children, in light of developments since 1994 and of an independent evaluation, with a focus on their more effective implementation.
- UNHCR will also revise protection guidelines for UNHCR staff to address sexual and gender-based violence (SGBV) and children's issues with a focus on security.

(e) There is a need to address quite urgently aspects of the problem of military recruitment of refugee children, particularly in terms of prevention, early separation of child soldiers from armed elements, demobilization and rehabilitation.

- States should work actively to prevent military recruitment and address the problem of child soldiers.
- UNHCR, having consulted States, will include concrete recommendations for action in the conference room paper on the protection of refugee children to be prepared as part of the fourth theme under track three of the Global Consultations.
- UNHCR will continue training and capacity building within the framework of the Action on the Rights of Children (ARC) project, with a special focus on the module on child soldiers.
- UNHCR will examine expanding its cooperation with UNICEF and other partners on specific projects aimed at demobilizing and rehabilitating child soldiers, especially through education.

IV. PRACTICAL ASPECTS OF PHYSICAL AND LEGAL PROTECTION WITH REGARDS TO REGISTRATION

Conclusions and Follow-up

5. There were two conclusions under this topic for which follow-up has been identified.

(a) Standards for refugee registration and elaboration of the concept of data management could take the form of an Executive Committee Conclusion.

- States should adopt relevant standards through an Executive Committee Conclusion. The proposed Conclusion could usefully include the following standards: personal safety/security; dignity; measures for persons with special needs (e.g. gender, age, traumatised individuals, etc.); link with documentation; State responsibility; data protection/confidentiality; data registration (consistency of data entry; uniqueness of individual registration/prevention of multiple registration; de-registration, etc).

(b) Broad support was given to UNHCR's initiative to undertake Project PROFILE and for UNHCR to give priority to registration in terms of resources and capacity building.

- States and relevant organizations should offer their expertise and experience to assist UNHCR to continue development of Project PROFILE.
- UNHCR will issue operational standards and guidelines with regard to registration and population data management (2001).
- UNHCR will revise the 1994 Registration Guide (2001/2002).
- UNHCR will develop registration and data management training modules (2002).

V. MECHANISMS OF INTERNATIONAL COOPERATION TO SHARE RESPONSIBILITIES/BURDENS IN MASS INFLUX SITUATIONS

Conclusions and Follow-up

3. Discussions on this cross-cutting theme recognized the importance of global and comprehensive approaches to responsibility/burden-sharing in mass influx situations. There was also recognition of the importance of preventive strategies, including those which promote respect for human rights. There was interest in the further development of the “tool kit” approach. Several States expressed specific support, as part of a comprehensive approach, for further investigation of the idea of prearranged quotas for the emergency evacuation of refugees.

(a) In the context of promoting comprehensive approaches to responsibility/burden-sharing in mass influx situations, UNHCR proposes to identify a situation, in cooperation with States, to test the applicability of lessons from past experiences of available tools and of how to promote their use as part of a comprehensive strategy.

- For resettlement/evacuation issues, see section II of this document (mass influx).
- Further elaboration of concrete action to strengthen the capacity of host States will take place at the September meeting of the Global Consultations.
- Regional meetings, notably those foreseen in Egypt and in Norway, will be tasked to generate practical approaches to guide, respectively, discussion at the September meeting and further elaboration of the comprehensive approaches framework and the tool kit.