Asylum procedure and protection in the regions of origin

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This Communication has been prepared by the Commission in response to the Council Conclusions of November 2004 and the Hague Programme, in which the Commission was invited to present an action plan for one or more pilot “Regional Protection Programmes”.

In its July 2004 Communication dealing with refugee protection programmes, the Commission proposed a three pronged approach to refugee protection initiatives, otherwise known as the three durable solutions, namely: repatriation, local integration and resettlement in a third country. The later option (resettlement in a third country) should only happen in cases where the first two options are not possible. The Communication also proposed the setting up of an “EU wide settlement scheme” in order to deliver a high level of protection to the increasing number of refugees world-wide. Such a scheme would also have the added advantage of guaranteeing a more orderly and managed entry into the EU.

In the Hague Programme, the EU Heads of States accepted the need to share responsibility for refugees fleeing conflict and accordingly called for a more accessible, equitable and effective international protection system, which could provide not only greater refugee protection but also a more durable solution to refugee protection. At the same time the European Council drew a distinction between countries and regions of origin and countries and regions of transit. The Commission was invited to develop “Regional Protection Programmes” the purpose of which would be to include a joint resettlement programme for those Member States which may be ready to participate on a voluntary basis. Concerning transit countries and regions the European Council emphasised the need for intensified co-operation and capacity building on the southern and eastern borders of the EU to enable those countries to manage better migration issues and to provide adequate protection for refugees. The programmes themselves should be situation specific and protection oriented, drawing on a range of measures, they should enhance protection capacity, offer better access to registration and local integration and assistance for improving the local infrastructure and migration management. Close co-ordination and implementation should be sought with the UNHCR. Based on existing programmes (AENAS and TACIS), the new programmes should not operate on a new financial framework.

In the Communication, the Commission has decided to focus on the wider policy background in the first section, the second section focuses on the possible content of the pilot programmes, the third examines the selection of geographic areas for the programme’s application whilst the fourth and fifth sections deal with the specific regions to which the first two programmes could apply. The last section addresses how the pilot Regional Protection Programmes should be evaluated and what the next steps in the process should be.

As far as the geographical areas for the programme are concerned the Commission proposes that the Western Newly Independent States (Ukraine, Moldova, and Belarus) could be suitable candidates. A pilot regional programme for this region would seek to build on and complement the work already begun with the co-operation of the authorities in the Western NIS countries. Initial work would be carried out through the AENAS initiative, which allocates an indicative EUR 2 million for asylum and international protection in this region. Other Regional Protection Programmes could include developing a pilot initiative in the Great Lakes region. The opportunity here lies in the possibility of developing well co-ordinated and strategic action on protection and resettlement with relevant third countries and in full respect of the principles of ownership.

The Communication recognises the need to provide accurate monitoring and evaluation of the programmes. As such the Commission proposes that an independent, external evaluator carry out a study on the programmes in 2007. On the basis of that assessment, the Commission will evaluate and report on the impact of pilot Regional Protection Programmes and examine the need to provide a more systematic approach – such as potential structure partnership with international organisation.

To conclude, the Commission points out that Regional Protection Programmes are a first step in a strengthened approach towards international protection. They also represent an opportunity for the EU to deliver a series of operational outcomes with the objective of better protecting refugees on the ground. Their added value lies in sharing responsibility provided for resettlement and the commitment to deliver an additional complementary effort on changing refugee situations for the better. The Commission suggests that its role should be one of co-ordinator, ensuring a smooth synergy of actions between the Member States and countries of origin.