



**DIALOGUE ON MIGRATION AND ASYLUM IN DEVELOPMENT**

## **Regional Protection Programmes: an effective policy tool?**

**DISCUSSION PAPER**

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## EXECUTIVE SUMMARY

According to the Commission Communication published in 2005, EU Regional Protection Programmes (RPP) aim to enhance the capacity of third countries in regions where many refugees originate from or are passing in transit. Their main function is to support refugee protection by building the capacities of institutions and local actors, and by promoting durable solutions. RPP should also include a resettlement component. The European Commission has so far developed RPPs in Eastern Europe, the African Great Lakes Region, the Horn of Africa and North Africa. A Regional Development and Protection Programme (RDPP) started in 2013 in the Middle East in response to the Syrian crisis. These programmes, or rather projects, have included a wide range of activities that do not necessarily follow the same pattern, with varied results and impact.

A decade after their first inception, it seems to be a good moment to take stock of the RPPs and assess their policy relevance and potential for the future. The paper presents the evolution of the RPP concept as a policy tool and provides an overview of RPP implementation, as documented in UNHCR project reports and other material.

The RPP have shown some positive qualitative impact in certain cases, but have also shown a number of weaknesses. Essentially, the RPP potential lies in their possibility to bring political attention to a specific regional situation and mobilise different policies and tools to promote solutions.

The paper argues that the RPP could be significantly strengthened by entering the political dialogues between the EU and third countries, in the form of protection partnerships with third countries, this way securing local ownership and Member State involvement. They should also include substantial resettlement offers from the European side, making resettlement one of their main components. They should be driven by a rationale of solidarity with the countries hosting the majority of the world's refugees, rather than a migration control logic. Finally, in order to support longlasting solutions, RPP would need to support regional protection in close coordination and coherence with development programmes and national development initiatives, benefiting both the displaced and the host communities around them.

# 1. INTRODUCTION

The aim of this paper is to discuss the concept and implementation of EU Regional Protection Programmes (RPPs) as a policy tool, and their potential for the future. Ten years after their first inception it seems more than necessary to take stock of the RPP and identify ways in which they could better support protection in regions of origin and transit.

The paper starts by analysing the concept of RPP, and the policy context in which this was born and accommodated over the last decade; starting with European policy discussions on refugee protection in the region in the years 2002-2004 that lead to the Communication on RPP in 2005, moving to the inclusion of the RPP as one of the policy tools in the Global Approach to Migration and Mobility (GAMM) in 2012, and finally to the Taskforce Mediterranean. The second part describes the types of activities implemented by the RPP projects in different parts of the world, followed by the current Regional Development and Protection Programme (RDPP) in the Middle East, and their results as documented by UNHCR project reports. The RDPP is a slightly different version of the traditional RPP model and, in a way, starts a new phase in the EU support for regional protection. The aim is to provide a broad overview of the activities and projects covered under the term 'Regional Protection Programmes', with the aim to discuss their policy impact. The last part draws together some general conclusions on RPP implementation and their potential for the future.

The paper is based on European Commission funding decisions on the projects, UNHCR project reports, and other few published EC and UNHCR documents and relevant literature. While project reports are not publicly available, access was granted to the author by UNHCR and the European Commission for the purpose of this research.<sup>1</sup> On 30 May 2013, ECRE, together with the DRC and CIR organised a public seminar on Regional Protection Programmes that brought together policymakers, UNHCR, NGOs and researchers with the aim to collect information on project implementation and to discuss the potential of RPP for the future. The information presented, and discussions held in this seminar also serve as sources for the paper.<sup>2</sup>

It should be made clear upfront that the paper does not purport to be an evaluation of RPP projects. This would have required the use of evaluation methods that can measure the results of projects in terms of protection impact and durable solutions provided to the beneficiaries, and the enhancement of protection capacities at national level, including potential fieldwork and interviews with key stakeholders and beneficiaries. In order to be comprehensive, such an evaluation would also require an analysis of data on EC funding for RPP projects, and the impact that this funding had on the beneficiaries in comparison to total funding to UNHCR in the country. This, however, was well beyond the scope of the paper and the capacities of the DomAid project that provided its framework. Instead, the paper provides a descriptive overview of RPP projects, with the aim to shed light on the types of activities that have been included in their scope. This will then be used as a basis to discuss their positive aspects, gaps and challenges, as identified by the implementers, and examine whether the objectives, as presented in the Commission Communication, have been met. Ultimately, the aim of the paper is to discuss whether the form that the RPP have taken corresponds to today's needs, what potential they hold as a policy tool and what the RPP should be in order to support protection in regions of origin and transit to the EU.

Some of the questions asked are: what type of activities have been included in RPP projects so far? What is the added value of such a tool? How could the RPP be strengthened and better used in order to enhance protection and durable solutions for refugees?

## 2. REGIONAL PROTECTION PROGRAMMES AS A CONCEPT AND A POLICY TOOL

### PROTECTION IN THE REGIONS OF ORIGIN AND TRANSIT

Through the Amsterdam Treaty asylum and migration issues were transferred from the third pillar to the first creating binding minimum norms at the EU level in order to harmonise asylum. At the European Council in Tampere Member States agreed to the need for a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit.<sup>3</sup>

Following Tampere, cooperation with third countries started entering the EU agenda from the perspective of containing migration flows towards Europe. The Seville Council (2002) stressed the 'importance of ensuring the co-operation of countries of origin and transit in the areas of joint management and border control as well as readmission'.<sup>4</sup> The

<sup>1</sup> As these are not publicly available, information from the UNHR project reports presented in this paper can not be attributed. It is referenced throughout the document as 'UNHCR project reports and archives, accessed by the author, April 2014'

<sup>2</sup> For the agenda and background to the seminar '*Regional Protection Programmes: an effective policy tool?*' see here: <http://www.ecre.org/component/content/article/56-ecre-actions/327-regional-protection-programmes.html>. The seminar was organised in the framework of the DomAid (Dialogue on Migration and Asylum in Development) project funded by EuropeAid ('Non State Actors and Local Authorities' NSA-LA budget line) and implemented by ECRE, DRC, IRC and CIR (2012-2014). For more on the DomAid project see <http://www.ecre.org/component/content/article/63-projects/373-domaid.html>

<sup>3</sup> European Council, Presidency Conclusions, Tampere European Council, 15-16 October 1999, para 11-12

<sup>4</sup> Council of the European Union, Presidency Conclusions, Seville European Council, 21-22 June 2002, p.7

Commission subsequently published the Communication on 'Integrating Migration Issues in the EU's Relations with Third Countries', which integrated refugee assistance into a broader migration management concept.<sup>5</sup> Following that, policy debates on the need to work with the countries and regions of origin and transit intensified. The UK put forward a proposal known as 'New international approaches to asylum processing and protection', that examined the possibility of extra-territorial processing.<sup>6</sup> This concept was put forward as a response to a UK level discussion at the time contending that the national asylum system was failing. According to Afeef (2006), following the 9/11 attacks there was a perception that border and migration management was not strong enough to deter migration flows, and national control over migration and asylum policies was insufficient due to the harmonisation process.<sup>7</sup> The UK proposals were heavily criticized by UNHCR and NGOs.

UNHCR responded by presenting the so called 'three-pronged approach' that proposed to enhance access to solutions in the region of origin, improve national asylum systems in destination countries, and create an enhanced system for 'manifestly unfounded' case processing.<sup>8</sup>

Reacting to these debates, the Commission published Communication 'Towards more accessible, equitable and managed asylum systems' (2003); the first attempt to look at protection in the regions of origin more comprehensively. The Communication presented a set of basic premises that should be included in any new approach to the international protection regime. The three main objectives were: a) the orderly and managed arrival of persons in need of international protection in the EU from the region of origin; b) responsibility sharing within the EU as well as with regions of origin, enabling them to provide effective protection as soon as possible and as closely as possible to the needs of persons in need of international protection; and c) the development of an integrated approach to efficient and enforceable asylum decision-making and return procedures.<sup>9</sup>

The European Council in Thessaloniki on 19 and 20 June 2003 asked the Commission to consider ways of improving the management of entry into the EU of refugees requiring international protection and ensuring better protection in their regions of origin (known as the 'Thessaloniki mandate'). In October 2003, at a seminar organised by the Italian EU Presidency in Rome, Member States seriously discussed for the first time the idea of an EU-wide resettlement programme. The 2004 Communication 'Improving access to durable solutions', addressed the Thessaloniki objective by exploring ways of ensuring orderly and managed entry into the EU and proposed the setting up of an EU resettlement scheme. It also suggested to find ways to enhance the protection capacity in regions of origin, by establishing EU Regional Protection Programmes by December 2005.<sup>10</sup> ECRE welcomed these proposals, suggesting that they should be in the spirit of solidarity and responsibility sharing, and that protection in regions of origin and transit should be premised in international refugee and human rights law and ensured by a set of benchmarks.<sup>11</sup>

Following that, in 2004 a proposal by German minister Otto Schilly put forward the idea of asylum camps in transit countries where migrants would be taken after being intercepted by vessels before they enter territorial waters. The proposal was heavily criticised from UNHCR, civil society and Member States as non viable and likely to be rejected by third countries.<sup>12</sup>

Moving away from the issue of extraterritorial processing, the Hague Programme (2005-2010) focused on protection in the region, as a policy complementary to access to asylum in Europe. EU Regional Protection Programmes should be developed in partnership with refugee hosting countries and in close consultation and cooperation with UNHCR.<sup>13</sup> Finally, the external dimension of asylum as a policy area was established by TFEU (2009) making specific reference to the obligation for partnerships and cooperation with third countries for the purpose of managing inflows of people applying for asylum (article 78 (2) TFEU).

Parallel to these policy developments, funding was also made available to support capacity building actions in third

5 Communication from the Commission to the Council and the European Parliament 'Integrating migration issues in the European Union's relations with Third Brussels', 3.12.2002, COM(2002) 703 final

6 For the UK proposals on regional protection zones and transit processing centres see Ward K., (2004), *Navigation guide Regional protection zones and transit processing centres*, ICAR, November 2004, <http://www.icar.org.uk/navgdprotectionzonestransitcentres.pdf>

7 Afeef K., (2006), 'The Politics of Extraterritorial Processing: Offshore Asylum Policies in Europe and the Pacific', *RSC Working Paper no. 36*, October 2006

8 The UNHCR approach was called 'Three Pronged Proposal' to protection in the region, including one regional, one domestic and one European prong, see UNHCR Working Paper, UNHCR's 'Three Pronged Approach' to protection in the region, UNHCR Geneva 2003, <http://www.refworld.org/pdfid/3efc4b834.pdf>. For the discussion between Member States, EU and UNHCR see *Unlawful and Unworkable, Amnesty International's views on Proposals for Extra Territorial Processing of Asylum Applications* (2003) <http://www.amnesty.org/en/library/asset/IOR61/004/2003/en/1f7ab5e7-d6d0-11dd-ab95-a13b602c0642/ior610042003en.pdf> as well as Noll G., (2003), *Visions of the Exceptional: Legal and Theoretical Issues Raised by Transit Processing Centres and Protection Zones*, *European Journal of Migration and Law*, No 5, pp 303-341

9 Communication from the Commission to the Council and the European Parliament: Towards more accessible, equitable and managed asylum systems, Brussels, 3.6.2003, COM (2003) 315 final

10 Communication from the Commission to the Council and the European Parliament of 4 June 2004 on the managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin: "improving access to durable solutions" COM (2004) 410 final

11 Comments of the European Council on Refugees and Exiles on the Communication from the Commission to the Council and the European Parliament on the managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin 'Improving Access to Durable Solutions' COM(2004) 410 final

12 Garlick M., (2006), 'The EU Discussions on Extraterritorial Processing: Solution or Conundrum?' in: *International Journal of Refugee Law*, 18 (3-4), p. 619

13 Council of the European Union, General Affairs and External Relations Affairs Council Meeting, Brussels, 7 November 2005

countries in the areas of asylum and migration. A targeted budget line already created in 2001 (article B7-667), complemented funding used under geographic instruments (TACIS) for capacity building in Eastern neighbouring countries. In subsequent years this was followed by AENEAS (2004-2006) and the Thematic Programme Migration and Asylum TPMA (2007-2013).<sup>14</sup>

## THE COMMUNICATION ON REGIONAL PROTECTION PROGRAMMES (2005)

The Communication on Regional Protection Programmes represented the Commission's reply to the Council Conclusions of 2-3 November 2004 requesting an Action Plan for one or more pilot Regional Protection Programmes.

According to the Communication, RPPs were designed to enhance the protection capacity of the regions involved and to improve refugee protection through durable solutions, namely return, local integration and resettlement in a third country. They should be a 'policy toolbox' that is flexible and situation specific and consistent with EU humanitarian and development policies and include practical actions that deliver benefits for protection to both refugees and the relevant third country. They would be based on existing actions, in particular on actions funded under the TACIS and the AENEAS. It was envisaged that the Programmes support durable solutions, enhance national RSD capacities, access to asylum, direct benefits to refugees, and promotion of resettlement. The regions selected for the first RPP were the western Newly Independent States (Ukraine, Moldova and Belarus) as a transit region and sub-Saharan Africa (Great Lakes/East Africa) as a region of origin. The Communication proposed three more potential regions: Afghanistan, a country where numerous actions had already been supported by the EC and Member States for the return of Afghans; the Horn of Africa, a protracted refugee situation par excellence, which at the time was hosting the world's largest number of refugees, and finally, North Africa, Europe's southern transit region hosting significant mixed migration flows.

UNHCR welcomed the RPP Communication but highlighted that since durable solutions will not always be available in regions of origin or transit for all, and considering the limited resources allocated for RPP, these should be bound by feasible objectives.<sup>15</sup> In addition, UNHCR put forward a number of principles that should guide the concept and implementation of RPP, namely: ensure and maintain access to fair and effective asylum systems in Europe; consult with and actively involve third countries in the RPP planning; and, ensure that RPP are coordinated – and complementary with humanitarian aid and development projects. UNHCR also suggested to increase funding for RPPs in the future, and gave guidance on specific types of activities that should be included, such as registration, RSD, trainings, projects benefiting the local community, support to self-reliance and repatriation. Other organisations, like Amnesty, voiced concerns about the commitment of EU Member States to resettlement, the definition of 'regional protection' and the questionable responsibilities to ensure effective protection, and finally, the fear that countries chosen to host RPPs would be labelled as 'safe havens', allowing EU States to avoid processing asylum applications from there.<sup>16</sup>

The RPP were regularly evoked in consequent Communications and Council documents, without however entering into details to discuss their scope, implementation and relation to other EU policies. Moreover, while EU support for resettlement started in the framework of the RPP, progressively it developed somewhat independently leading to discussions about a joint EU resettlement programme, which was eventually adopted in 2012 for the year 2013. In the framework of EU funding for resettlement through the European Refugee Fund and, consequently, through the newly set up Asylum Migration and Integration Fund (AMIF), the two remain connected, since funding is foreseen for resettlement from RPP regions. It should be clarified that when a Member State resettles refugees from an RPP region this does not necessarily mean that resettlement is carried out in the framework of an RPP, or can be attributed to it.

The Global Approach to Migration (GAM), developed in parallel in the years 2005-2011, initially stayed apart from the protection in the regions and RPP debate. International protection was only marginally referred to in the context of cross cutting issues. The Communication launching the Global Approach to Migration and Mobility (2012), the EU's overarching framework for cooperation in the area of migration and asylum, extended its scope to include RPP, making refugee protection in third countries to one of its four priorities.<sup>17</sup> The GAMM Communication and Council Conclusions of 29 May 2012 proposed to strengthen and link RPP to development and disaster reduction programmes in countries and regions to ensure coherence, to contribute more effectively to solving protracted situations and provide support to refugee hosting communities. It also suggested for the first time, that the RPP should become linked to the political and

<sup>14</sup> In parallel to these developments at EU level, States have also pursued their own strategies and policies bilaterally to support protection in the region, for example Switzerland through its 'Strengthening Protection in the Region' programme and Denmark through its Regions of Origin Initiative (ROI) which since 2003 has focused on creating durable solutions, by supporting refugee repatriation, see <https://www.eda.admin.ch/eda/en/dfa/foreign-policy/human-rights/migration/protection-in-the-region.html> and <http://amg.um.dk/en/~media/amg/Documents/Policies%20and%20Strategies/Stability%20and%20Fragility/ROIpart1%20-%20strategisk%20ramme%20for%20naeromraadeinitiativ.pdf>

<sup>15</sup> UNHCR Observations on the Communication from the Commission to the Council and the European Parliament on Regional Protection Programmes COM (2005) 388 final, 1 September 2005

<sup>16</sup> Amnesty International, (2005), EU regional protection programs: Enhancing protection in the region or barring access to the EU territory?, September 2005, <http://www.amnesty.eu/en/news/statements-reports/eu/asylum-and-migration/eu-regional-protection-programs-enhancing-protection-or-barring-access-to-the-eu-territory-0138/#.VMtNIGjF8-g>

<sup>17</sup> For an analysis of the inclusion of RPP and refugee protection in the GAMM see ECRE Comments to the Commission Communication on the Global Approach to Migration and Mobility COM (2011) 743 final, 23 April 2012, <http://www.ecre.org/topics/areas-of-work/protection-in-third-countries/277.html>

migration dialogues with third countries.<sup>18</sup>

Since 2013 and following a number of tragic boat incidents in the Mediterranean, the RPP (and more broadly, protection in the region) are increasingly viewed as a policy tool that can help address mixed migration flows to Europe. The Task Force Mediterranean, set up following the Lampedusa tragedy in October 2013, has identified five areas of action, one of them being 'Regional protection, resettlement and reinforced legal avenues to Europe'. The Taskforce proposed to reinforce existing RPP in North Africa and the Horn of Africa and expand them to include other countries in the Sahel region. According to the Taskforce, the new RPP would need longer-term engagement and funding, both from the EU (AMIF and development cooperation instruments) and the national level. RPP implementation should be accompanied by political dialogue and advocacy efforts on refugee protection and protracted refugee situations with national authorities in third countries, including at regional levels. RPPs should coordinate their regional and country specific components, and Member States and EU delegations should play a role in their planning and implementation. The Taskforce also suggested potential cooperation between EASO and targeted countries and identified links between RPP and voluntary return and reintegration.<sup>19</sup> Similarly, the Strategic Guidelines in the area of Justice and Home Affairs of 27 June 2014, suggested that the RPP needs to be strengthened and expanded, and that the EU needs to increase its contribution to global resettlement efforts, especially in relation to the protracted refugee situation in Syria.<sup>20</sup>

It is interesting to note that in the Conclusions of the Justice and Home Affairs Council of 10 October 2014, the RPP are now referred to as 'Regional Development and Protection Programmes' using the wording of the latest Programme that was launched in 2013 and is currently implemented in the Middle East (see below). The Council suggests to develop 'new and reinforced Regional Development and Protection Programmes in North Africa and the Horn of Africa and fully implement the existing Regional Development and Protection Programme in the Middle East.'<sup>21</sup> This may signal a shift towards a slightly more development oriented approach, as will be shown below.

### 3. THE IMPLEMENTATION OF REGIONAL PROTECTION PROGRAMMES

The first two rounds of RPP targeted Eastern Europe as a transit region, and East Africa (Tanzania) as a country hosting protracted displacement. In 2010, the Commission decided to prolong the RPP in Eastern Europe and in Tanzania to a third round, and to fund RPP in two more regions: the Horn of Africa (Kenya, Yemen and Djibouti) and North Africa (Egypt, Libya and Tunisia).

RPP have taken the form of projects implemented primarily by UNHCR, together with local NGOs. One could distinguish roughly between two sets of projects: those carrying the EU 'RPP' label and other complementary projects in the same countries that do not carry the RPP label, with funding from instruments such as AENEAS, the Thematic Programme Migration and Asylum (TPMA) and geographic instruments. These projects were also implemented by UNHCR and/or international NGOs. In practice, at country level all these projects have been part of broader UNHCR operations with funding from the EC and different countries. When referring to the RPP, the European Commission and UNHCR tend to refer only to the 'RPP labelled' projects, even though some of the non RPP labelled projects have been identical, complementary or serving as a follow up; raising the question in the end, what is it that defines a project as an RPP one as such. The following sections provide an overview of RPP projects and their activities to date, based on EC published documents and UNHCR archival material.

A Steering Committee composed of relevant Commission departments, the UNHCR, interested Member States and other relevant stakeholders met in 2006 to supervise coordination and implementation of Regional Protection Programme activities.<sup>22</sup> According to Garlick (2011) Member States Expert Meetings on RPP and meetings in the field were regularly held over the next years.<sup>23</sup> Finally, an evaluation of RPP implementation was carried out in 2008, the results of which are discussed below.

#### I. REGIONAL PROTECTION PROGRAMMES IN EASTERN EUROPE AND THE WNIS

According to the RPP Communication (2005), the RPP in this region was meant to build on existing Community policies and funding. At the time the countries in the region had been facing a number of protection challenges in the context of

<sup>18</sup> Council of the European Union (2012) Conclusions on the Global Approach to Migration and Mobility (GAMM), 3 May 2012

<sup>19</sup> 'In cooperation with international organizations (e.g. IOM) and NGOs, parallel initiatives should be launched to facilitate assisted voluntary return and reintegration of migrants stranded in North African countries to their countries of origin and to develop the capacity of countries to better manage return and reintegration', Communication from the Commission to the European Parliament and the Council on the work of the Task Force Mediterranean, COM(2013) 869 final, Brussels, 4.12.2013, p.12

<sup>20</sup> Council of the European Union, European Council 26-27 June 2014, Conclusions, Brussels 27 June 2014

<sup>21</sup> Council of the European Union, Justice and Home Affairs Council Meeting, Conclusions on "Taking action to better manage migratory flows" Luxembourg, 9 and 10 October 2014, p.2

<sup>22</sup> Commission Staff Working Document (2005) Annex to the Communication de la Commission au Conseil et au Parlement Européen Renforcer la liberté, la sécurité et la justice dans l'Union européenne : Rapport sur la mise en œuvre du programme de La Haye pour l'année 2005 {COM(2006) 333 final} (Institutional scoreboard – Table 1) p.22

<sup>23</sup> Garlick M. (2011), EU Regional Protection Programmes: development and prospects, in Maes M., Foblets M. and de Bruycker C., (eds), External Dimension of EU Law and Policy, Leuven: Brylant p. 9



mixed flows, including lack of well-established profiling and referral tools, with the result that refugees were not identified in a timely manner and given access to procedures, leading sometimes to refoulement, gaps in the refugee status determination procedure and low recognition rates. Other consequences included the lack of prospects for durable solutions, local integration (in Belarus, Moldova and Ukraine) and resettlement opportunities to another country.

RPP projects in this region were funded by the AENEAS and the TPMA and implemented primarily by UNHCR, in collaboration with local actors (state agencies and local civil society). Many more projects were funded by the same funding sources and implemented by European and international NGOs such as the Danish Refugee Council, Caritas Austria and ECRE without the RPP label.<sup>24</sup> They have all built on previous capacity building carried out under TACIS, the B7-667 budget line and other projects funded under AENEAS like the Soederkoping process, a regional dialogue and capacity building effort under the initiative of Sweden and UNHCR.<sup>25</sup>

The scope of actions under the 'pilot' phase of the RPP included a wide range of measures aimed at strengthening capacities at all stages, from the border to the arrival and reception, identification, registration and asylum procedures.<sup>26</sup> In Belarus, the programme included border monitoring, improving the referral mechanism by border authorities and police, legal counselling and social assistance through local NGO networks, training for police and military academies, technical assistance to institutions, assisted voluntary return, public awareness activities on refugee protection and strengthening the capacity of Belarusian NGOs. In Ukraine, components included improving the conditions in reception centres, enhancing access to the asylum system, supporting the RSD procedure, support to local civil society, raising awareness and supporting a dialogue between the state and civil society.<sup>27</sup> Resettlement from the region numbered 48 persons in 2007, and 53 in 2008. In relation to that, Garlick (2011) mentions also that at the time, there were not so many people in need of resettlement from that region.<sup>28</sup>

These were followed by a TPMA-funded RPP project implemented between 2009 and 2011 that focused on capacity building for the authorities and civil society, border monitoring, support for migrant accommodation centres, provision of legal counselling and social assistance, trainings, seminars and study visits, and strengthening resettlement from the region.<sup>29</sup> While Ukraine and Moldova had recently concluded readmission agreements with the EU, there was an ostensible lack of monitoring at the borders and consequently the RPP placed emphasis on border monitoring to support access to the procedure. A Regional Steering Committee was established to monitor the RPP and related projects in the region and included the RPP project partners and other related organisations, namely UNHCR, local organisations, IOM, DRC and ECRE. NGOs and UNHCR collected monthly data on border apprehensions, and readmission interview forms were prepared. In 2010-2011 cross border monitoring of refugee protection in the readmission procedure was conducted by UNHCR, IOM and ECRE particularly from Slovakia, Hungary and Poland.<sup>30</sup> NGO lawyers received border monitoring and identification training, and brochures were developed on guidelines on protection monitoring. Cooperation with EUBAM was also developed.<sup>31</sup> Trainings were given to border guards and state officials in Moldova on asylum legislation, referral and country of origin information (COI), and seminars were organised for judges in Ukraine and Moldova. Study visits took place to the UK, Finland and Poland.<sup>32</sup> A stated aim of this project was to promote the local application of the UNHCR 10-Point Plan of action. A resettlement component was also included in the project; according to UNHCR, 82 cases were submitted for resettlement in 2010 and 226 in 2011. Those accepted departed for the US, Canada and other European countries.<sup>33</sup> Between 2004 and 2008 approximately 204 refugees were resettled from Belarus, Moldova and

<sup>24</sup> See the projects 'Strengthening Protection Capacity in Belarus (MIGR/2006/120-221, AENEAS 2005), 'Strengthening asylum and protection capacity in Ukraine by enhancing the capacity of governmental and civil society stakeholders in a participatory approach and cross-sector cooperation' (MIGR/2005/120-176, AENEAS 2005), 'Enhancing capacities in the area of protection and treatment of refugees and asylum seekers in Zakarpattya/ Western Ukraine' (MIGR/2006/120-173, AENEAS 2005), 'Strengthening Refugee Status Determination Procedures in Ukraine' (AENEAS 2006), 'Enhancing asylum conditions and international protection in the Republic of Belarus' (MIGR/2007/130-518, AENEAS 2006), 'Enhancing asylum conditions and international protection in the republic of Moldova' (MIGR/2007/130-486, AENEAS 2006) 'Strengthening the protection capacity in Belarus – Phase II (MIGR/2008/153-171 ), see EuropeAid, AENEAS Overview of Projects funded 2004-2006, [https://ec.europa.eu/europeaid/aeneas-programme-programme-financial-and-technical-assistance-third-countries-area-migration-and\\_en](https://ec.europa.eu/europeaid/aeneas-programme-programme-financial-and-technical-assistance-third-countries-area-migration-and_en)

<sup>25</sup> The protection of refugees asylum seekers and forced migrants (AENEAS 2004, MIGR/2005/103-619), 'The Cross-Border Co-operation/ Söderköping Process (AENEAS 2004, MIGR/2005/103-489), in: EuropeAid, AENEAS Overview of Projects funded 2004-2006, [https://ec.europa.eu/europeaid/aeneas-programme-programme-financial-and-technical-assistance-third-countries-area-migration-and\\_en](https://ec.europa.eu/europeaid/aeneas-programme-programme-financial-and-technical-assistance-third-countries-area-migration-and_en). The Soderkoping Process has now been incorporated into the Eastern Partnership

<sup>26</sup> EuropeAid, AENEAS Overview of Projects funded 2004-2006, [https://ec.europa.eu/europeaid/aeneas-programme-programme-financial-and-technical-assistance-third-countries-area-migration-and\\_en](https://ec.europa.eu/europeaid/aeneas-programme-programme-financial-and-technical-assistance-third-countries-area-migration-and_en)

<sup>27</sup> For activities in Belarus see [http://eeas.europa.eu/delegations/belarus/documents/eu\\_activities\\_in\\_belarus.pdf](http://eeas.europa.eu/delegations/belarus/documents/eu_activities_in_belarus.pdf)

<sup>28</sup> Garlick (2011), footnote 9

<sup>29</sup> Support to UNHCR activities in the Great Lakes Region and in Eastern Europe in the context of Regional Protection Programmes' (DCI-MIGR/2008/165-064) Action Fiche for a Global Initiative under the Thematic Programme for the Cooperation with Third Countries in the area of Migration and Asylum [http://ec.europa.eu/europeaid/documents/aap/2008/ec\\_aap-2008\\_dci-migration-asylum\\_en.pdf](http://ec.europa.eu/europeaid/documents/aap/2008/ec_aap-2008_dci-migration-asylum_en.pdf) see also 'Support to UNHCR's Activities in Belarus, Moldova and Ukraine April 2009- September 2011 (UNHCR Note) <http://unhcr.org/ua/en/publications-3/regional-protection-programme-m> and EuropeAid, Migration and Asylum Programme, Thematic Programme on cooperation with third countries in the areas of Migration and Asylum, Overview of projects funded 2007-2008, [http://ec.europa.eu/europeaid/migration-and-asylum-programme-thematic-programme-cooperation-third-countries-areas-migration-and\\_en](http://ec.europa.eu/europeaid/migration-and-asylum-programme-thematic-programme-cooperation-third-countries-areas-migration-and_en)

<sup>30</sup> UNHCR project reports, archives accessed by the author, April 2014. This set of activities was continued outside the RPP also via the project 'Monitoring safe and dignified return and conditions of detention, protecting the rights of asylum seekers, refugees and IDPs in Belarus, Moldova, the Russian Federation and Ukraine, implemented by ECRE 2009-2011 (MIGR/2008/153-324)

<sup>31</sup> EUBAM is the EU Border Assistance Mission to Moldova and Ukraine, see <http://www.eubam.org/>

<sup>32</sup> UNHCR Project reports and archives accessed by the author, April 2014

<sup>33</sup> UNHCR project reports and archives accessed by the author, April 2014

Ukraine to Belgium, Denmark, Finland, Ireland, the Netherlands, Sweden and the UK, with Sweden receiving the majority (79%).<sup>34</sup> It is unclear however whether these were resettled or not from the region as a direct result of the RPP.

The TPMA project was followed up by a second round from 2011 until 2013 to ensure the continuation of capacity building activities for national authorities and local organisations, with special emphasis on protection sensitive border management, identification and referrals, provision of legal aid and interpretation services, and the improvement of reception conditions through the renovation of temporary centres.<sup>35</sup> Numerous trainings were organised in the three countries for border guards, the police, the judiciary, NGOs and journalists, as well as cross border visits and study visits. The resettlement component was also continued, albeit still limited. In total, 44 cases of 110 persons were accepted for resettlement in the years 2012 and 2013.<sup>36</sup> The RPP facilitated cooperation between the government and NGOs and inter-agency coordination. Following on the previous phase, substantial emphasis was placed on collecting information on the situation at the borders in order to ensure that applications were recorded.

According to UNHCR project reports, the RPP in the region have brought some overall positive changes to refugees' access to the asylum procedure at the borders and the quality of decision-making. According to the UNHCR project reports, some progress was achieved over the years in terms of the awareness and understanding of border officials for the need to access the asylum procedure; at the same time, profiling and referral of asylum seekers at the borders and in detention centres still needed further development.<sup>37</sup> The RPP projects in Eastern Europe have gradually developed a coordination structure through National Steering Committees involved in the preparation and implementation of capacity building activities in each country, and a Regional Steering Committee overseeing activities in the whole region. Garlick (2011) argues that the RPP in Eastern Europe faced challenges due to the fact that the scope of work was too large and there was limited political will to support them.

According to project reports, one of the weaknesses identified in the RPP was the relatively small scale of resettlement from the region and the limited emphasis of integration activities in Ukraine. Some socioeconomic support to asylum seekers was included under RPP II. The small number of resettled could be attributed to the lack of interest from the side of EU Member States to receive Chechen refugees.<sup>38</sup> According to the DRC, the RPP was useful in the region but sustainable improvement in protection capacity could only be achieved in the long term. The DRC also highlighted the importance of engaging both governments and civil society, that civil society should have more than just a monitoring role, and be an integral part of building and sustaining protection capacity.<sup>39</sup>

The RPP projects were also complemented by a number of other UNHCR projects funded by the Thematic Programme Migration and Asylum in the area of integration and rights protection in detention, broadening the scope of EC support to UNHCR's work in the region.<sup>40</sup>

## II. REGIONAL PROTECTION PROGRAMMES IN TANZANIA

According to the RPP Communication, Tanzania was chosen for the Great Lakes caseload, hosting the largest refugee population from Burundi and the Democratic Republic of Congo. It was considered important because of existing EC funded actions through ECHO and the B7-667 budget line, the centrality of resettlement as a durable solution and the political priorities expressed by the Member States. In 2007, the Government of Tanzania announced its willingness to offer naturalisation to a segment of the Burundian refugees (the so-called 1972 caseload, living in three settlements) in an effort to end protracted refugee situations in the country.<sup>41</sup> Two projects were funded by AENEAS, with the aim to support durable solutions for Burundian and Congolese refugees in the country. For these Burundians, there was the option of either repatriation or local integration; for those who wished to stay and take Tanzanian citizenship. For the Congolese, the only option was resettlement.

The Tanzanian government initially wanted to close the camps and the 'Old Settlements' where the Burundians were residing, and move the newly naturalised to other areas. UNHCR conducted a census and socioeconomic assessment of the camps, that revealed that 79% wanted to obtain Tanzanian citizenship and 21% wanted to repatriate to Burundi. The

<sup>34</sup> For the data see <http://www.resettlement.eu/page/regional-protection-programmes> , accessed 29 January 2015

<sup>35</sup> Support to UNHCR activities in Eastern Europe in the context of EU Regional Protection Programmes, Phase II (MIGR/2011/272-415), funded by the Thematic Programme Migration and Asylum. For the Regional Activity Plan of Phases I and II see <http://unhcr.org.ua/en/publications-3/regional-protection-programme-m>

<sup>36</sup> UNHCR project reports and archives accessed by the author, April 2014

<sup>37</sup> UNHCR project reports and archives accessed by the author, April 2014, see also UNHCR, Support to UNHCR activities in Eastern Europe in the context of the EU Regional Protection Programme Phase II (MIGR/2011/272 - 415) Minutes of the Third Regional Steering Committee, <http://unhcr.org.ua/attachments/article/396/Minutes%20RSC%20-%20Final%2021%20Feb.pdf>

<sup>38</sup> UNHCR presentation at the ECRE public seminar 'Regional Protection Programmes; an efficient policy tool?', 30 May 2013, Brussels

<sup>39</sup> Danish Refugee Council, Building Protection Capacity in Ukraine; Presentation for the Ad Hoc Expert Meeting on Regional Protection Programmes, Brussels 3 July 2007 (provided through DRC partner in the project)

<sup>40</sup> 'Local integration of refugees in Belarus, Moldova and Ukraine' – Phase I (TPMA 2007), 'Regional Project: monitoring safe and dignified return and conditions of detention, Protecting the Rights of Asylum seekers, refugees and IDPs in Belarus, Moldova, the Russian Federation and Ukraine' (TPMA 2007), see EuropeAid, Migration and Asylum Programme, Thematic Programme on cooperation with third countries in the areas of Migration and Asylum, Overview of projects funded 2007-2008, [http://ec.europa.eu/europeaid/migration-and-asylum-programme-thematic-programme-cooperation-third-countries-areas-migration-and\\_en](http://ec.europa.eu/europeaid/migration-and-asylum-programme-thematic-programme-cooperation-third-countries-areas-migration-and_en)

<sup>41</sup> There was a substantive group (mostly refugees in camps) of Burundians to whom the naturalisation offer was not extended.

government agreed to proceed to naturalisation on the condition that they would leave the 'Old Settlements' and move to new areas.<sup>42</sup> A Tripartite Commission was set up in December 2007 and agreed to repatriate 46,000 refugees back to Burundi, process the citizenship applications of over 162,000 Burundians and relocate them to the new areas. In parallel, UNHCR launched in 2008 the Tanzania Comprehensive Solutions Strategy (TANCOSS).

The first so called 'pilot' RPP project was funded by AENEAS and implemented between 2007 and 2010 by UNHCR, the Tanganyika Christian Refugee Service (TCRS), the Jesuit Refugee Service (JRS), and Radio Kwizera.<sup>43</sup> It involved capacity building for the authorities, namely trainings for police officers deployed in refugee camps and host areas. Mass information campaigns were organised via radio aiming to inform about the possibility to repatriate to Burundi, describing the situation in the country and the registration procedure. An IT unit was created to support the registration of citizenship applications. In parallel, a team was set up to identify and process resettlement. Finally, some first activities were organised to promote the development of a Tanzanian civil society network.

A second AENEAS funded project was implemented almost in parallel by UNHCR between 2007 and 2009.<sup>44</sup> This project coincided with the closure of a number of camps, and the presence of refugees with pending cases in courts. This project involved capacity building for law enforcement officials, lawyers, the judiciary and local human rights organisations, registration and resettlement, improving security in the camps and host communities. There were border management visits, legal aid and interpretation services by the National Organisation for Legal Assistance (NOLA). Trainings were offered together with the Centre for the Study of Forced Migration (CSFM) of the University of Dar Es Salam, on the protection of refugees and asylum seekers in mixed migration flows. According to UNHCR, the trainings had a positive impact and were well received by the national authorities. Already in this first phase it was clear that RPP initiatives supporting protection could only achieve an impact if assistance also included benefits for the host community, and if seen from the view point of finding durable solutions for the displaced.<sup>45</sup>

Nevertheless, according to Milner (2013) the relocation of newly naturalised was halted in 2011 for a number of reasons including political opposition in Tanzania and ongoing discussions with commercial investors to use the land of the 'Old Settlements'.<sup>46</sup> This change of policy resulted in great uncertainty for the refugees. Some citizenship applications were processed but others remained pending. It was not before 2014 that the Tanzanian government finally announced that the naturalisation would be concluded and the new Tanzanian citizens would be allowed to remain in the 'Old settlements', or move if they preferred it to any other part of the country.<sup>47</sup>

The RPP project funded under the TPMA between 2009 and 2011 was planned to focus on environmental works and building schools for both host populations and newly naturalised.<sup>48</sup> However, in the context described above, the initial plans had to adapt to the decision to relocate the newly naturalised; as a result, the activities had to be amended even though still in the context of environmental works and school infrastructure aiming to support local integration. The project funds essentially contributed to the TANCOSS led by UNHCR. The project was also complemented by a parallel EDF-funded project, aimed to cover the costs of the naturalization process in the short-term and ECHO funds to support the costs of repatriation to Burundi (travel and reintegration).<sup>49</sup>

The next TPMA-funded project was implemented between 2011 and 2012 following up on the previous one.<sup>50</sup> Similar to the other projects, this one also aimed to support repatriated Burundians and the newly naturalised in the new areas,<sup>51</sup> yet following the government's hesitation between letting people stay in the 'Old Settlements' or relocating them, it became impossible to support local integration through schools, and as a result this component had to be terminated. On the other hand, the resettlement component was implemented; 500 Congolese refugees from the Nyarugusu camps were identified and submitted for resettlement, and resettlement selection missions and interview sessions were organised for this purpose.<sup>52</sup> A different source mentions that 434 refugees were resettled under the RPP between 2004 and 2008

42 Milner J., (2013). *Two steps forward, one step back: understanding the shifting politics of refugee policy in Tanzania*, UNHCR *New Issues in Refugee Research*, Paper No 255, p.9

43 EuropeAid, 'Strengthening Protection capacities and securing solutions for refugees in Tanzania' MIGR 2006/ 120-198 (AENEAS 2005), in: AENEAS Overview of Projects funded 2004-2006, [https://ec.europa.eu/europeaid/aeneas-programme-programme-financial-and-technical-assistance-third-countries-area-migration-and\\_en](https://ec.europa.eu/europeaid/aeneas-programme-programme-financial-and-technical-assistance-third-countries-area-migration-and_en)

44 'Strengthening Protection capacities in Tanzania – Supplementing the Regional Protection Programme Pilot Project', MIGR/2007/129-654,

45 UNHCR project reports and archives accessed by the author, April 2014

46 Milner (2013), *ibid* p. 18

47 *Tanzania grants citizenship to 162,000 Burundian refugees in historic decision*, UNHCR Press Release, 17 October 2014, <http://www.unhcr.org/5441246f6.html>

48 'Support to UNHCR activities in Great Lakes Region and in Eastern Europe in the context of Regional Protection Programmes' DCI-MIGR/2008/165-064, Action Fiche for a Global Initiative under the Thematic Programme for the Cooperation with Third Countries in the area of Migration and Asylum [http://ec.europa.eu/europeaid/documents/aap/2008/ec\\_aap-2008\\_dci-migration-asylum\\_en.pdf](http://ec.europa.eu/europeaid/documents/aap/2008/ec_aap-2008_dci-migration-asylum_en.pdf)

49 Support Applications for Naturalisation of Refugees in the Old Settlements FED/2008/199-320 and Voluntary Repatriation Assistance to Burundian and Congolese Refugees from Tanzania. (ECHO/-CF/BUD/2009/01002)

50 Strengthening protection capacities and securing solutions for refugees in Tanzania' DCI-MIGR/2010/256-164

51 EuropeAid, Commission Decision of 28/04/2010 on the Annual Action Programme 2010 part 2 for Cooperation with Third Countries in the Areas of Migration and Asylum to be financed under the general budget of the European Union TPMA, Annex, Action Fiche 5: Regional Protection Programmes (RPPs) in North Africa, Tanzania and Eastern Europe [https://ec.europa.eu/europeaid/sites/devco/files/aap-financing-moldova-migration-and-asylum-af-2010\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/aap-financing-moldova-migration-and-asylum-af-2010_en.pdf)

52 UNHCR project reports and archives accessed by the author, April 2014

to seven EU Member States (Belgium, Denmark, Finland, Ireland the Netherlands, Sweden and the UK); the majority of which, 61%, departed for the Netherlands.<sup>53</sup>

### III. REGIONAL PROTECTION PROGRAMMES IN THE HORN OF AFRICA

The Horn of Africa has received substantial funding through ECHO and EDF over a number of years addressing a wide range of issues for both local and displaced populations. The RPP was initiated in 2011 through TPMA funding. This RPP was meant to build upon previous EC funded projects in the region, namely ECHO funds in Kenya's refugee camps (that had supported actions in the areas of water, sanitation, food and health) and in Yemen (funding for shelters and aid to the refugees), as well as a project on mixed migration flows funded under the Instrument for Stability, implemented by IOM. The RPP's main objective was to improve the protection and delivery of assistance to refugees and asylum seekers in the region.

The second RPP phase followed the large arrival of Somali refugees in Dadaab, the main objectives being to improve the access of refugees to legal assistance and to territory, education in the camps and urban areas and to support self-reliance by increasing skills and employability for both refugees and host communities.

In Djibouti, a country facing transit migration flows to Yemen, the RPP activities included trainings for national authorities (immigration officers, the police, coast guards) on refugee protection and child protection in mixed migration flows. Registration was supported at the border, and the National Eligibility Committee was reactivated after eight years of suspension with the aim of taking charge of refugee status determination. A reception centre was established in 2010 and rehabilitated at the Somalia-Djibouti border. Education activities were strengthened in the camps of Ali-Addeh and Holl Holl; small scale income generating activities in the camp were also initiated.<sup>54</sup>

In Kenya, hosting one of the largest protracted situations in the world, the project primarily targeted security and living conditions in the refugee camps.<sup>55</sup> Refugee operations in Dadaab, one of the largest refugee camps in the world, had been suffering from humanitarian staff abductions, vehicle hijackings, assassinations of refugee community leaders and general insecurity in the North Eastern province. The RPP provided support to complement UNHCR's efforts together with the government of Kenya to strengthen policing in the camps of Dadaab and Ifo, with more police officers, training for the police and better infrastructure. Protection monitoring of refugees was also carried out in partnership with the Refugee Consortium of Kenya. The implementation of this component faced serious challenges as the security environment became increasingly volatile in 2011 and early 2012. Reception and registration activities were suspended for a while. Mobile courts were set up in the Dadaab camp and capacity building for law enforcement staff was provided, including trainings on international refugee law and protection. At the same time, the project also supported registration for urban refugees in Nairobi, through the issuance of identity cards and birth certificates. The Department for Refugee Affairs received support to strengthen its capacities in registration and RSD processing. The education component involved renovation of the infrastructure and provision of material, as well as recruitment of additional teachers.<sup>56</sup> The project also included a child protection and psychosocial assistance component. With regards to resettlement, 3,000 persons were submitted for resettlement from the camps in 2011, and another 5,721 urban refugees from Nairobi in 2012. In 2013 resettlement activities were hampered by the security situation. Departures however have varied, as there are long delays in processing the applications: the average waiting time for non-Somali refugees in Kenya stands at one year and for Somali refugees at two years.<sup>57</sup>

In Yemen, the RPP's main aim was to support the screening of new arrivals, registration and immediate assistance. Trainings in high risk identification were organised for NGOs. The project provided assistance upon arrival in the Kharaz camp and in urban settings; this included social services and special assistance for vulnerable groups, including women at risk, trafficked victims, unaccompanied children and separated children. It also provided support for self-reliance through vocational and skills trainings for students resident in the camps. Finally, 297 persons were resettled during project implementation, and departed to the US, Canada, the UK, Denmark, France, Norway, Sweden and Ireland.<sup>58</sup> Regional activities were not implemented as they faced a number of challenges. The RPP is currently ongoing and has been extended.

Some of the challenges identified in the Horn of Africa RPP by UNHCR were the lack of ownership by the local and national authorities, and the fact that the impact of the RPP was rather limited. There are two main reasons for this: first, because the scope of needs in this region is vast and goes much beyond any such limited project, and second, the RPP is designed to have a broad scope with many objectives yet suffers limited funding to meaningfully address them.

On the other hand, the support provided by the RPP to the urban policy for refugees was important, considering the

<sup>53</sup> See <http://www.resettlement.eu/page/regional-protection-programmes>

<sup>54</sup> UNHCR project reports and archives accessed by the author, April 2014

<sup>55</sup> EuropeAid, Annex for Special Measures 2009 Thematic Programme for Cooperation with Third Countries in the Areas of Migration and Asylum, Regional Protection Programmes in Horn of Africa, [http://ec.europa.eu/europeaid/documents/aap/2009/af\\_aap-spe\\_2009\\_dci-migr.pdf](http://ec.europa.eu/europeaid/documents/aap/2009/af_aap-spe_2009_dci-migr.pdf)

<sup>56</sup> UNHCR project reports and archives accessed by the author, April 2014

<sup>57</sup> UNHCR project reports and archives accessed by the author, April 2014

<sup>58</sup> UNHCR project reports and archives accessed by the author, April 2014

previous lack of interest shown by the Kenyan government. While the RPP cannot demonstrate substantial quantitative impacts, there are qualitative results in the overall protection environment and relationships with stakeholders. One of the lessons learned is that RPPs should be complementary instead of stand alone programmes that can promote durable solutions. Another lesson learned is that the type of solutions that can be promoted through RPP are situation specific, and there are certain solutions that will be more relevant than others. For example, according to UNHCR, in the case of the Somali, return is presently part of the debate and would need to feature in the context of the RPP.<sup>59</sup>

#### IV. REGIONAL PROTECTION PROGRAMME IN NORTH AFRICA

The first RPP in North Africa was funded by the TPMA and implemented by UNHCR and local partners in Tunisia, Libya and Egypt.<sup>60</sup> The aim of this project was to strengthen the capacities of the authorities to identify persons in need of protection and give them access to the procedure, strengthen the capacity to manage return and to promote durable solutions. Activities included refugee law training, provision of legal aid and assistance, registration and documentation. Implementation started in 2011 but the Libya component had to be postponed for 6 months, due to the unstable situation following the uprisings.

In Egypt, the RPP aimed to strengthen capacities for protection, the provision of basic services, support for fair and efficient RSD procedures and for voluntary return; most of the activities supported through the RPP were, in fact, standard UNHCR services. Trainings were organised with the League of Arab States, international organisations and universities and were delivered to judges, human rights organisations, academics and national authorities. UNHCR additionally engaged in media work to raise awareness on the situation of refugees and asylum seekers in the country. However, many workshops in Egypt had to be postponed due to the political instability following the uprisings. The RPP in Egypt covered mostly Sudanese but also other nationalities, such as Syrians. The project also supported refugees or asylum seekers who were victims of trafficking.

In Tunisia, in 2012, the RPP project became the framework through which to promote the development of national asylum legislation. UNHCR worked with judges and the government on the draft asylum law and provided training and guidance to ministries (particularly the Ministry of Justice, the Ministry of Health and the Ministry for Women) and judges. Tunisian legal experts were also supported to attend the San Remo refugee law course and a study visit was organised to France. Training for journalists was organised with Institut Panos. The project brought medical equipment to hospitals and strengthened the work of the Red Crescent. Advocacy and media work was conducted to raise awareness on the situation of refugees and asylum seekers in the country and the role of UNHCR. NGO partners were supported to do referrals and RSD was conducted in urban areas. In the Choucha refugee camp, in particular, the RPP provided financial support for UNHCR staff to conduct RSD and age, gender and diversity assessments. In the context of promoting durable solutions, the project supported the UNHCR resettlement operation from Choucha and 3,550 cases were submitted for resettlement from which 3,535 were accepted. Another 692 were accepted from the Salloum camp at the Egyptian-Libya border. Eight Member States (Denmark, Finland, Germany, Ireland, the Netherlands, Portugal, Spain and Sweden) agreed to resettle from Choucha camp using their existing resettlement quotas. Belgium also resettled 25 refugees from Choucha as part of an ad-hoc resettlement initiative.<sup>61</sup> According to UNHCR however, it is hard to prove whether the resettlement that took place from Choucha and Salloum can be attributed to the RPP, apart from the funding for UNHCR staff.<sup>62</sup>

In Libya activities started in July 2012 and included monitoring of the protection environment, registration, RSD and counselling. Protection monitoring was conducted by UNHCR and NGOs (CESVI and DRC) in Benghazi and Tripoli. These activities have been complementary to other projects in the country that focused on mixed migration flows.<sup>63</sup> Major protection concerns were identified during the project implementation in Libya, including arbitrary detention and lack of documentation for asylum seekers. Accessing asylum seekers in detention in Libya has remained difficult.

Regional activities included the promotion of dialogue with the League of Arab States; the creation of a UNHCR regional hub has provided support to facilitate the organisation of regional activities along thematic lines. While previous North African countries operated in isolation, there is now more interest in developing synergies and regional activities.<sup>64</sup> The EC has stated the intention to develop a new concept for the RPP North Africa in line with the indications of the Task Force Mediterranean and to roll it out in 2015.<sup>65</sup>

<sup>59</sup> UNHCR Nairobi presentation at the ECRE seminar on RPP, 30 May 2013

<sup>60</sup> Support to UNHCR activities in North Africa in the context of Regional Protection Programmes in Egypt, Libya and Tunisia, DCI-MIGR/2011/270-894, TPMA, see Annual Action Programme 2010 part 2 for Cooperation with Third Countries in the Areas of Migration and Asylum, Annex Action Fiche 5: [http://ec.europa.eu/europeaid/documents/aap/2010/aap\\_2010\\_dci-migr\\_en.pdf](http://ec.europa.eu/europeaid/documents/aap/2010/aap_2010_dci-migr_en.pdf)

<sup>61</sup> See <http://www.resettlement.eu/page/regional-protection-programmes>

<sup>62</sup> UNHCR Tunis presentation at the ECRE seminar on RPP, 30 May 2013

<sup>63</sup> Under the TPMA, the project "A comprehensive approach to the effective management of mixed migration flows in Libya" (DCI-MIGR/2008/153-645) was conducted by UNHCR in partnership with CIR, ICMPD and a Libyan organisation as from January 2009. The project was interrupted in March 2010 by order of the Libyan Government. The Italian Government has then financed a continuation of more limited protection activities carried out by CIR in 2010 and again as from end 2011.

<sup>64</sup> UNCHR Tunis presentation, ECRE seminar on RPP

<sup>65</sup> See Commission Staff Working Document 'Implementation of the Communication on the Work of the Task Force Mediterranean', SWD (2014) 173 final, Brussels 22.5.2014, p.30

## V. REGIONAL PROTECTION AND DEVELOPMENT PROGRAMME IN THE MIDDLE EAST: TOWARDS A NEW MODEL

In parallel with the projects described above, in 2012 the Commission and Member States initiated a programme in response to the Syria conflict, aiming to take a proactive stance towards the displacement that was going to become protracted. Following a call from the Justice and Home Affairs Council of 25-26 October 2012, the 'Regional Development and Protection Programme' (RDPP) was adopted in 2013 with significant EU and multidonor funding. The programme started implementation on 1st July 2014 and is managed by Denmark.<sup>66</sup>

The Regional Development and Protection Programme (RDPP) is a three year initiative that aims to support Lebanon, Jordan and Iraq to better understand, plan and mitigate, and where possible maximise the positive impacts of Syrian displacement in their countries. The RDPP is a platform of six donors, including the European Commission (DG DEVCO), Denmark, Ireland, the UK, the Netherlands and the Czech Republic. All Member States were invited to participate in the implementation. A Steering Committee was set up to liaise with delegations for the monitoring at country level. It has a total budget of €26 million (funded partly by the EC and by MS) and is implemented by governments, UN agencies and civil society.<sup>67</sup> Its main difference, compared to previous RPPs, is that it combines humanitarian and development funds to support refugee hosting countries, on a long-term perspective, thus aiming to ensure greater coherence, and the promotion of durable solutions, in parallel with socioeconomic development, for both host communities and refugees.<sup>68</sup>

Conceptually, the RDPP draws less from the 2005 Communication on RPP and more from the GAMM Communication and Council Conclusions on the GAMM that aim to contribute more effectively to solving protracted refugee situations, strengthen the use of RPPs to contribute to offsetting the negative impacts of refugees' presence on hosting countries and supporting their positive impacts. The RDPP also draws from recent Communications in the area of development, namely the Communication 'Increasing the Impact of EU Development Policy: an Agenda for Change' (2011) and the Communication on 'Maximising the Development Impact of Migration' (2013).<sup>69</sup>

The RDPP has been designed on the basis of a baseline study, commissioned by the Danish government, which provided a mapping and meta-analysis of existing studies of costs, impacts and protection issues in the region.<sup>70</sup> The programme has an impact analysis and assessments component, aimed at understanding the Syria displacement both as a protection and a development challenge.<sup>71</sup> Research includes an assessment of current protection challenges and the capacities to address them.

The protection component follows the more traditional RPP model, with capacity building for the asylum and refugee protection systems for the authorities. Legal aid will be provided through NGOs in matters such as evictions, rights and duties of refugees, domestic violence, birth registration, counseling on legal status, etc. They will also complement this with advocacy on issues such as detention monitoring. Resettlement is already covered through ongoing UNHCR operations and will not be included in the RDPP. As the vast majority of refugees are out of the camps, the RDPP's focus will be mostly there.

A political dialogue and advocacy component aims to disseminate the results of the research to the humanitarian, development and political community to engage with governments on what kind of policies are needed to face the challenges of displacement. Political dialogue and advocacy will be pursued directly through the RDPP but also indirectly through the political discussions led by MS and the UN Community with the authorities.

<sup>66</sup> Communication from the Commission to the Parliament and the Council, 4th Annual Report on Immigration and Asylum (2012) Brussels, 17.6.2013 COM(2013) 422 final and Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Towards a Comprehensive EU Approach to the Syria Crisis' (2013) Brussels, 24.6.2013 JOIN(2013) 22 final

<sup>67</sup> 20 June 2014, Brussels – Questions and Answers: the European Commission helps refugees, [http://eu-un.europa.eu/articles/en/article\\_15168\\_en.htm](http://eu-un.europa.eu/articles/en/article_15168_en.htm)

<sup>68</sup> EuropeAid, Commission Implementing Decision on the Annual Action Programme 2013 part 2 Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum to be financed from the general budget of the European Union, Annex 2 Action Fiche for the Regional Development and Protection Programme for refugees and host communities in the Middle East (Jordan, Lebanon and Iraq) [http://ec.europa.eu/europeaid/documents/aap/2013/af\\_aap\\_2013\\_dci-migr\\_p2.pdf](http://ec.europa.eu/europeaid/documents/aap/2013/af_aap_2013_dci-migr_p2.pdf)

<sup>69</sup> The 2011 Communication urges the EU to ensure a smooth transition from humanitarian aid and crisis response to long term development cooperation, facilitate regional labour mobility and look more closely into the relation between migration, mobility and employment. The 2013 Communication acknowledges that refugees can bring in opportunities and benefits for national economies, and suggests measures to strengthen refugees' self reliance, and states the commitment to ensure that refugees are included in long term development planning, especially in the case of protracted situations. Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee, and the Committee of the Regions, 'Increasing the impact of EU Development Policy: an Agenda for Change', Brussels, 13.10.2011 COM(2011) 637 final; Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee, and the Committee of the Regions, 'Maximising the Development Impact of Migration The EU contribution for the UN High-level Dialogue and next steps towards broadening the development-migration nexus', Brussels, 21.5.2013 COM(2013) 292 final

<sup>70</sup> The reason for this study was because a lot of time elapsed in the production of the RDPP and there was a risk that it was out of date in the context of a fast moving and the rapidly escalating scale of the crisis, see: *The Syrian displacement crisis and a Regional Development and Protection Programme: Mapping and meta-analysis of existing studies of costs, impacts and protection* 4 February 2014, Study team Roger Zetter, Emeritus Professor, Refugee Studies Centre, University of Oxford – Team Leader Héloïse Ruauudel – Policy Analyst and Project Management Sarah Deardorff-Miller – Research Assistant Eveliina Lyytinen - Research Assistant Cameron Thibos - Research Assistant Finn Skadkær Pedersen – Senior Consultant and Partner, Tana Copenhagen, Aps <http://data.unhcr.org/syrianrefugees/download.php?id=4780>

<sup>71</sup> The RDPP has supported the special issue of Forced Migration Review published by the Refugee Studies Centre, Oxfodx University, on Syria displacement, see <http://www.fmreview.org/syria>

The socioeconomic development component, a significant programme component, will enhance economic opportunities and livelihood capacity of vulnerable populations through employment generation and business development. Activities include skills development, vocational training, infrastructure, jobs creation and market based support for both refugees and the communities among which they live.<sup>72</sup> The plan is to work together with a range of partners including local and national governments, international and local NGOs, UNHCR, the World Bank and academia. A key objective is to build and strengthen local ownership.

The impact of this programme is yet to be seen in the future. Having the visible support of DG DEVCO, this may well be the first time that the EU gets involved in a displacement situation from the outset.<sup>73</sup>

## 4. OBSERVATIONS ON RPP IMPLEMENTATION AND THE WAY FORWARD

An external evaluation of RPP implementation was conducted for the Commission between December 2008 and 2009.<sup>74</sup> The evaluation study was based on desk research, interviews with stakeholders and two case studies (field missions to Tanzania and Ukraine). Twelve projects were assessed. The evaluation terms of reference were broader than the 'RPP' labelled projects in the four countries (Ukraine, Moldova, Belarus, Tanzania) and examined the RPP concept as a whole. The study concluded that the concept of Regional Protection Programmes constituted a successful first step towards establishing a mechanism to strengthen protection capacities in transit areas and to support the classic three durable solutions (repatriation, local integration, resettlement). At the same time, the RPP lacked coordination at different levels. The RPP concept was generally lacking in visibility, understanding and engagement from the side of the partner countries. Moreover, the number of refugees resettled to Member States as a result of the RPP was very small. For the future, the evaluation recommended to better assess particular refugee situations and needs in the countries and regions before planning the activities, and to try to better involve and strengthen the capacities of national authorities.<sup>75</sup>

The need for better coordination between the different RPP components at country and regional level was restated in a Commission monitoring report of 2012 following a mission to the RPP in the Horn of Africa, where one of the conclusions was that UNHCR coordination between national and regional components was weak.<sup>76</sup>

Since the evaluation was published, there has been a growing awareness of the need to revisit the RPP more strategically and to strengthen their scope. In a Presidency Note on International Protection submitted to the High Level Working Group on Migration and Asylum in 2012, Sweden suggested that there needs to be a reflection on the concept and use of RPP to develop a more coordinated approach regionally, to place a greater emphasis on refugees' self-reliance and to increase their visibility.<sup>77</sup> The need to review and strengthen the RPP has also been echoed in the June 2014 Strategic Guidelines and the October 2014 JHA Council Conclusions, as described earlier.

Looking at their implementation in general, it is true that through the provision of classic UNHCR services and capacity building activities the RPP projects have contributed to the overall improvement of conditions, and the capacities of the authorities at the national level. According to Garlick (2011), from a UNHCR viewpoint the RPP have been an overall positive contribution, as they provided additional funding which helped improve knowledge and abilities of local institutions, and the conditions and facilities available for refugees.

This begs the obvious question of how far RPPs are really additional or different to regular UNHCR projects in refugee hosting countries. From a UNHCR perspective, they are not much different to other projects; at the same time, some of the activities may not have taken place without this additional funding.

Desk research and the participants' contributions to the RPP seminar have suggested a number of weaknesses, which at the same time are the challenges that RPP will need to address in the future.<sup>78</sup>

Firstly, is the scope of activities included under the RPP. The scope has usually been very large for a meaningful and targeted intervention (a policy 'toolbox', as described in the 2005 Communication). This to some extent might have contributed to a certain lack of clarity about what RPPs really are. Similarly, the objectives have also varied; some

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<sup>72</sup> Interview with the DANIDA Project Coordinator for the RDPP, 22 September 2014

<sup>73</sup> DANIDA presentation at ECRE Public Seminar on RPP, 30 May 2013

<sup>74</sup> GHK, (2009), Evaluation of pilot Regional Protection Programmes DG Justice, Freedom and Security Request 22 – Framework Service Contract No JLS/2006/A/1/004 25 June 2009, A final report submitted by GHK, <http://ec.europa.eu/smart-regulation/evaluation/search/download.do?sessionId=1Q2GTTWJ1m0pM7kSWQ90h1v1CBzXjvJpV2CLp0BgQxQv8zyGqQ3j!1601440011?documentId=3725>, accessed on 29 January 2015

<sup>75</sup> Quoted in 'Annex for Special Measures 2009 Thematic Programme for Cooperation with Third Countries in the Areas of Migration and Asylum, Regional Protection Programmes in Horn of Africa', p.3, [http://ec.europa.eu/europeaid/documents/aap/2009/af\\_aap-spe\\_2009\\_dci-migr.pdf](http://ec.europa.eu/europeaid/documents/aap/2009/af_aap-spe_2009_dci-migr.pdf)

<sup>76</sup> Action Fiche for the Regional Development and Protection Programme for refugees and host communities in the Middle East (Jordan, Lebanon and Iraq) DCI-MIGR 2013/319-137 [http://ec.europa.eu/europeaid/documents/aap/2013/af\\_aap\\_2013\\_dci-migr\\_p2.pdf](http://ec.europa.eu/europeaid/documents/aap/2013/af_aap_2013_dci-migr_p2.pdf)

<sup>77</sup> High Level Working Group on Asylum and Migration, 19 June 2012, Summary of discussions, Presidency Note on International Protection and Enhancement of the External Dimension of Asylum, Annex III to the Joint Discussion Paper by the Presidency and Sweden, HLWG 19 June 2012 <http://www.statewatch.org/news/2012/aug/eu-council-hlwg-migration-11928-12.pdf>

<sup>78</sup> These are based on project reports and the contributions made by the speakers to the ECRE public seminar on RPP on 30 May 2013.

activities aimed to strengthen the provision and the quality of protection for displaced, others the access to the asylum system at the borders and inside the country and others again, the support for durable solutions and self-reliance. It is hard to include all these under one umbrella programme with limited funding. RPP would need to be more clear, and set a limited number of objectives.

Considering the range of needs of the displaced, and operations funded by the EU and other donors in the specific regions, like Africa, the RPP impact alone can only be limited.<sup>79</sup> In areas hosting protracted displacement, for example, the RPP scope of 2-5 million EUR was usually a small part of a bigger operation. Large scale projects, multiannual planning and coherence with other development programmes and initiatives supporting the protection of vulnerable in hosting countries are needed in order to support solutions.

Secondly, RPPs have also not been sufficiently coordinated with development and humanitarian aid policies in the same countries. It is more than necessary to support host communities and public sector budgets of host countries, by funding the public sector welfare services, expanding employment opportunities for refugees and host populations and tackling housing, land and property issues in the areas most impacted by the presence of large scale refugee populations. The urban dimension is particularly important; urban displacement is more complex as populations are dispersed, but development opportunities are greater in urban areas for refugees. If there is a potential with the RPP, this does not rest with their scale, but with the possibility to focus on a specific regional situation and mobilise different policies and tools to promote solutions. The RDPP offers a new model, bringing in, from the outset, development donors to a conflict and displacement situation, using data collection, research and needs assessments in order to plan policies that can benefit both the displaced and the host countries' services and communities.

The 'regional' approach to programmes has remained underdeveloped, or at least used in the sense of grouping together countries from the same region under one project. Few activities were designed with a regional character. Greater consideration needs to be given to what constitutes a "region" with regards to an RPP. In fact, one could break the RPP concept apart and examine how the concepts of 'regional', 'protection' and 'programmes' can be better enhanced. Why should RPPs be regional, and what defines a region in each case? What is the main objective of addressing the region rather than the country, even if most – if not all of the activities – are at the national level? What is the added value of a regional approach and what, thus far, have been the main challenges that have prevented it from happening? Similarly, what do we mean by 'protection' and how large is the scope? Finally, what is a 'programme' and do the projects funded by the EU really qualify to be called a Programme in each of these cases? Presently, the RPP examples in different regions have demonstrated a predominance of national level projects funded by the EU and implemented by UNHCR, most of which have been providing classic UNHCR services. It would be misleading to call them a regional programme due to the fact that regional activities were limited and may not have included all countries impacted by either the initial refugee flow, or secondary movements occurring in the search for self-reliance.

While the RPP concept reflected the interface between displacement, secondary displacement and migration, this has been less reflected in programming to date. The need (and ability) of the caseload to move within and between hosting countries in search of self-reliance needs additional attention as to date it seems secondary displacement has only been considered when it is towards Europe.

The issue of local ownership is crucial. RPPs have so far lacked local buy-in by national authorities and local actors. It seems that stakeholder coordination, awareness raising and visibility at the local level has been minimal. The authorities were not involved in the design of projects aimed to support them in meeting local protection challenges.

EU and Member States' political engagement and support is essential for RPPs in order to be a successful EU policy. More efforts are needed to better coordinate RPPs at the local level. The EU delegations and the EU Member States' embassies should be better informed and invited to coordination meetings. The use of tools such as Steering Committees can foster linkages with other ongoing activities funded by the EC and Member States.

In other words, in order to have an impact, the RPPs needs to attract the commitment of governments of third countries and Member States. Inclusion in migration dialogues could give the RPP a place in political and country cooperation which they are now lacking, and potentially increase the chances of getting the authorities of the third countries on board. This would require the EEAS and EU Delegations to be closely involved. On the other hand, going through the channel of migration dialogues and mobility partnerships bears certain risks: a close association between readmission, lying at the core of migration dialogues, and regional protection in the very same countries and regions may undermine the objective of developing asylum capacities and create the impression that asylum is instrumentalised in order to control migration. The existence of RPPs should not become an excuse for Member States to shift their protection responsibilities to those regions, or to return persons in need of protection back to the regions.

In addition, more could be done to ensure greater participation by international NGOs. The RPP are often criticized for being UNHCR "heavy." International NGOs could strengthen the advocacy and awareness raising activities in RPP programmes. The RDPP model offers a good example of a consortium model in terms of the types of actors that need

<sup>79</sup> See also Garlick (2011), p.8



to be involved (Member States, European Commission, UNHCR, international and local organisations, academia); what needs to be added to this model is the partnership element with the countries concerned.

RPP could take the form of national or regional protection partnerships with the engagement of Member States, third countries, the European Commission, International Organisations and NGOs. These protection partnerships should be connected to but not identical with migration dialogues as they have different objectives. Protection partnerships with third countries should be based on two premises: first, the international human rights framework and obligations that countries have to protect refugees and asylum seekers in their territory and give them access to the protection system; and second, solidarity with the countries hosting the majority of the world's refugees. In this spirit, protection partnerships need to present substantial resettlement offers from the European side.

Overall, resettlement has been particularly weak in RPP implementation. It is true that the RPP Communication (2005), and the initial inclusion of resettlement in a package of cooperation with regions of origin and transit, contributed to develop the idea of resettlement at a time when it was in its infancy. The RPPs have contributed to making a stronger case for the need for Europe to offer more resettlement places. Nevertheless, the numbers of resettled from the different regions have been far from impressive. It is true that since the RPP projects and resettlement are currently not part of the same operations and do not follow the same timeframes, it is hard to establish a direct connection and see the impact of RPP on resettlement- except for certain financial incentives to resettle from 'RPP' labelled regions. Still, while operationally these may follow different paths, it should be possible to connect them more closely at the policy level in a way that the RPP include a more robust resettlement offer. In the logic of 'protection partnerships' mentioned above, the EU and its Member States should put a substantial resettlement offer on the table for refugee hosting countries that runs in parallel with capacity building activities for protection in the region.

## 5. CONCLUSION

In a summary, the observations collected from the implementation of RPP projects the public seminar all lead to the conclusion that the RPP concept and format need to be reviewed in order to increase the impact, ownership and coherence with other policies.

RPP projects have been large and diverse in scope and objectives, but with limited funding. Better coordination and coherence is needed at local, national and regional level with development programmes and initiatives supporting the protection of vulnerable in hosting countries. The RPP need to be embedded in support frameworks for host communities and public sector budgets of host countries, funding the public sector welfare services, expanding employment opportunities for refugees and host populations and tackling housing, land and property issues in the areas most impacted by the presence of large scale refugee populations. The RDPP offers a new model, bringing in from the outset development donors to a conflict and displacement situation, in order to plan policies that can benefit both the displaced and the host countries' services and communities. More could also be done to ensure greater participation by international NGOs, in providing services and strengthening advocacy and awareness raising activities. Moreover, the RPPs need to secure the commitment of governments of third countries, to ensure local ownership, and the involvement of Member States.

The RPP potential does not rest with their scale, but rather, with the possibility to bring political attention to a specific regional situation and mobilise different policies and tools to promote solutions.

The RPP could be significantly strengthened by entering the political dialogues between the EU and third countries, this way gain more weight and engagement. They could take the form of protection partnerships with third countries, and these should be based on two premises: first, the international human rights framework and obligations that countries have to protect refugees and asylum seekers in their territory and give them access to the protection system and basic services; and second, solidarity with the countries hosting the majority of the world's refugees. For this purpose, protection partnerships should present substantial resettlement offers from the European side, making resettlement one of their main components.

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