

# ASYLUM ACCESS POSITION PAPER



## **The Only Real Protection Is Local**

The case for achieving localized protection by financing local advocates to engage in comprehensive strategies for strategic change

# About the Asylum Access Position Paper

Asylum Access is an international human rights organization advocating for and with forcibly displaced people to access rights and experience inclusion. “The Only Real Protection is Local” Position Paper is born of reflecting upon our 18 years of legal empowerment and policy advocacy efforts in Thailand, Malaysia, Mexico (our current countries of operation), and in Ecuador, Panama, Tanzania (previous countries of operation). It is also born of our many personal experiences as refugees and allies. We know firsthand that all change is local change, and enduring change is systemic in nature. These facts have guided us in the production of this paper. We are excited to share the following and hope it inspires important new conversations, partnerships, and additional financing for localized protection actors and their work.

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Report cover photograph by © Gabriel Diamond

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## Acknowledgements

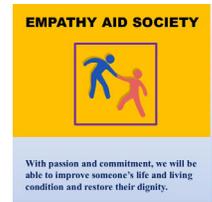
We'd like to acknowledge the many people and organizations who made this paper possible including our expert consultants Emily Arnold-Fernández and Diana Essex-Lettieri, many members of our legal teams in Thailand, Malaysia and Mexico including but not limited to Roberto Hernández Macías, Salwa Mukoda, Matthijs Ivo Niks, Paniti Tiengtrong, Lubna Sheikh Ghazali, and Shweta Malik, and those organizations we have partnered with for many years in pursuit of localized protection including Ara Trust, Kituo Cha Sheria, Refugiados Unidos, Refugees and Asylum Seekers Information Center (RAIC), Refugee Law Project, RELON-Uganda and StARS. We are endlessly grateful for your wisdom and leadership in our pursuit of change.

## Signed

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# Endorsements

The undersigned organizations and entities endorse this position paper, acknowledge the importance of localized protection, and wish to see greater sectoral investment in the local actors positioned to advocate for and enable localized protection.



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# Executive Summary

The International Committee of the Red Cross (ICRC) and the UN Refugee Agency (UNHCR) define refugee protection efforts as “all activities, aimed at obtaining full respect for the rights of the individual.”<sup>[1]</sup> Although many would agree that access to human rights should be the primary focus of the forced displacement sector, current “protection” efforts are failing refugees. The dominant modes of protection intervention do little to address the systemic lack of protection in the domestic national landscapes in which refugees live.

As a result, they have almost no impact on the central problem facing refugees today: **A local environment that leaves refugees unprotected.** The reality is that forcibly displaced people in many countries cannot walk down the street without fear of arrest. They often cannot

work legally, which means they accept work in exploitative situations that drive down wages and working conditions for everyone. They cannot access police protection from assault or theft, or secure police response when they are attacked or robbed. They have no recourse when front-line authorities extort them, when landlords evict them, when employers steal their wages or worse, when schools bully or neglect them. They often cannot hold authorities or private actors accountable through courts and legal systems.

It’s time for the displacement response sector to reorient toward **localized protection** to meaningfully address these issues.

**We define localized protection as the experience of enjoying rights in practice throughout all aspects of daily life.** It can only be experienced fully when the following are present:

[1] For example: Strengthening protection in war: A search for professional standards. International Committee of the Red Cross. (2021, December 20). <https://www.icrc.org/en/publication/0783-strengthening-protection-war-search-professional-standards>

1. **Domestic laws** that fully protect refugees' rights in all interactions — at work, at school, at home, in transit, and in public and private spaces.
2. **Enforcement and accountability** mechanisms that put those laws into practice, ensure their implementation by host community actors (both public and private), mobilize state resources to enforce those laws, and empower refugees to use them.
3. **Resourced and protected refugee communities**, including refugee-led organizations, who have the power, positioning, and safety to participate equitably in shaping domestic laws and accountability mechanisms.

Localized protection is important for people at all stages of the displacement experience because it enables safety, autonomy, health, and well-being. It also supports the impact of all types of efforts along the humanitarian-development nexus. Localized protection enables short-term humanitarian outcomes by relieving pressure on parallel systems and expanding access to national services like health care, education, shelter, and food. Localized protection enables long-term solutions by ensuring the permissions and safeguards are in place to work legally, travel safely, and live without fear of arrest or detention.

To achieve localized protection, donors should deliberately and proactively deepen their investments in local actors engaged in strategic,

long-term efforts to enact systemic change.

Specifically, donors should invest in **efforts that embody both of the following components:**

1. **Local advocates**, especially RLOs, who are positioned and equipped to be effective advocates for systemic change within their national environments; and
2. **Coherent, sustained, locally-devised strategies** rooted in a credible theory about how these strategies can meaningfully contribute to systemic reforms.

By investing in efforts where both components are present, donors can be a part of ensuring people of forced displacement experience their rights in practice, are protected by relevant local laws, policies, and authorities, and have the power and positioning to create accountability.

# Introduction: We Need a New Approach to Protection

Today's most widely used definition of protection was created between 1996 and 2000, when the International Committee of the Red Cross (ICRC) convened 50 humanitarian and human rights NGOs, mostly headquartered in the Global North, to come to consensus. In 1999, this group defined protection<sup>[2]</sup> as encompassing "all activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian law and refugee law). Human rights and humanitarian actors shall conduct these activities impartially and not on the basis of race, national or ethnic origin, language or gender."<sup>[3]</sup>

This definition is still in use by UNHCR<sup>[4]</sup> today, who considers protection a core tenet of its mission. Enabling protection as articulated here is arguably the most important focus of the refugee response sector, as it results in the full enjoyment of rights for displaced people.

"Protection" activities that are most likely to be financed are those led by major international actors such as UNHCR and major INGOs. Each attempts to provide "protection" in a different, often piecemeal way. To offer just a few examples: Some consider "protection activities" to be the provision of a physically "safe"<sup>[5]</sup> environment where international NGOs provide food and medical care such as a camp or a shelter; research on community-owned mechanisms for addressing harm, violence, or conflict; sexual assault prevention programming; and bureaucratic accompaniment<sup>[6]</sup> such as for birth, death, and marriage registrations, or other predominantly administrative processes.

**We argue that standard international efforts to enable protection (such as those listed above), while potentially valuable in some circumstances, do not lead to protection as defined by ICRC and UNHCR. In many circumstances, externally-imposed "solutions" will miss key nuances<sup>[7]</sup>, foster lip service by host**

[2] See: Strengthening protection in war: A search for professional standards. International Committee of the Red Cross. (2021, December 20). <https://www.icrc.org/en/publication/0783-strengthening-protection-war-search-professional-standards>

[3] The ICRC proposed a framework for determining what constitutes a protection activity by proposing three categories: a) Responsive action aimed at stopping a rights violation, preventing its recurrence or alleviating its effects; b) Remedial action aimed at restoring dignity and adequate living conditions after a pattern of rights violation; c) Environment-building action aimed at creating or consolidating a political, social, cultural, institutional economic and legal environment conducive to full respect for the rights of the individual.

[4] See: Rights and duties - UNHCR Frequently asked questions. (n.d.). UNHCR Frequently Asked Questions. <https://help.unhcr.org/faq/how-can-we-help-you/rights-and-duties/>

[5] By "safe" we mean that the body is free from active violence. However, the kinds of spaces referenced here may not enable psychological safety or personal freedom required to enjoy a healthy mental state. In this regard, camps and shelters may not be experienced as "safe."

[6] Perhaps the largest bureaucratic accompaniment program is run by the Norwegian Refugee Council called Information, Counseling and Legal Assistance (ICLA). The ICLA program has important impacts for individuals who receive legal support, but "has had limited impact on changing overarching policy and law," according to an independent evaluation of the program's work in Lebanon in 2017.

[7] See: Easton-Calabria, E., & Omata, N. (2018). Panacea for the refugee crisis? Rethinking the promotion of 'self-reliance' for refugees. *Third World Quarterly*, 39(8), 1458-1474. <https://doi.org/10.1080/01436597.2018.1458301>

governments<sup>[8]</sup> reluctance to take concrete action, and risk charges of coloniality.<sup>[9]</sup>

Even when they are implemented successfully, they do almost nothing to address the systemic lack of protection in the domestic national landscapes in which refugees live.<sup>[10]</sup>

Ultimately, such “protection efforts” have almost no impact on the central problems facing refugees today: Forcibly displaced people in many countries cannot walk down the street<sup>[11]</sup> without fear of arrest.<sup>[12]</sup> They often cannot work legally,<sup>[13]</sup> which means they accept work in exploitative situations<sup>[14]</sup> that drive down wages and working

conditions for everyone. They cannot access police protection from assault or theft,<sup>[15]</sup> or secure police response<sup>[16]</sup> when they are attacked or robbed. They have no recourse when front-line authorities<sup>[17]</sup> extort them,<sup>[18]</sup> when landlords evict them,<sup>[19]</sup> when employers steal their wages<sup>[20]</sup> or worse,<sup>[21]</sup> when schools bully<sup>[22]</sup> or neglect<sup>[23]</sup> them. They often cannot hold authorities or private actors accountable through courts and legal systems.<sup>[24]</sup>

[8] See: Global Lessons for Kenya to improve refugees' access to work permits - Refugees International. (2023, May 20). Refugees International. <https://www.refugeesinternational.org/perspectives-and-commentaries/global-lessons-for-kenya-to-improve-refugees-access-to-work-permits/>

[9] See: Humanitarian Practice Network. (2023, July 27). Organising towards a practice of decoloniality, refugee/IDP leadership, and power redistribution in humanitarian aid: experiences from inside the international humanitarian aid sector | Humanitarian Practice Network. <https://odihpn.org/publication/organising-towards-a-practice-of-decoloniality-refugee-idp-leadership-and-power-redistribution-in-humanitarian-aid-experiences-from-inside-the-international-humanitarian-aid-sector/>

[10] In the terminology of the ICRC framework, most funding and other support for “protection” activities today goes to limited “remedial action” that is inadequate to restore dignity or support decent living conditions. Little funding or other support is directed toward responsive action to prevent or address rights violations (although some protection activities do attempt to alleviate the immediate effects of such violations), while environment-building action to create or consolidate an environment in which rights are respected receives almost no funding or support.

[11] For example: Ahmed, K. (2022, October 19). Malaysia cites Covid-19 for rounding up hundreds of migrants. The Guardian. <https://www.theguardian.com/global-development/2020/may/02/malaysia-cites-covid-19-for-rounding-up-hundreds-of-migrants>

[12] For example: Uighur refugee dies after nine years in detention in Thailand. Al Jazeera. (2023b, April 27) <https://www.aljazeera.com/news/2023/4/27/uighur-refugee-dies-after-nine-years-in-detention-in-thailand>

[13] For more information about the extent of refugees' work rights violations, visit Asylum Access's Refugee Work Rights website at <https://refugeeworkrights.org/>

[14] For example: “I am only looking for my rights” - Legal employment still inaccessible to refugees in Turkey - Türkiye. (2017, December 5). ReliefWeb. <https://reliefweb.int/report/turkey/i-am-only-looking-my-rights-legal-employment-still-inaccessible-refugees-turkey>

[15] For example: Kanyamanza, B. (2023, March 30). I grew up in a refugee camp. People like me deserve a voice in the UN | Cognoscenti. WBUR.org. <https://www.wbur.org/cognoscenti/2023/03/30/refugee-camp-united-nations-stateless-bahati-kanyamanza>

[16] For example: Zabludovsky, K. (2019, January 22). Venezuelan Refugees Were Attacked In Ecuador After A Video Of A Femicide Went Viral. BuzzFeed News. <https://www.buzzfeednews.com/article/karlazabludovsky/venezuelan-stab-girlfriend-ecuador-viral-refugees-attack>

[17] For example: Dolma, S., Singh, S., Lohfeld, L., Orbinski, J., & Mills, E. J. (2006). Dangerous Journey: Documenting the experience of Tibetan refugees. American Journal of Public Health, 96(11), 2061–2064. <https://doi.org/10.2105/ajph.2005.067777>

[18] For example: Rfa, S. F. (2023, February 6). Myanmar migrants face being exploited under Thai deportation system. Radio Free Asia. <https://www.rfa.org/english/news/myanmar/myanmar-migrants-thailand-02052023090414.html>

[19] For example: Humanitarian Practice Network. (2023b, July 27). Wahid's story: fighting for the rights of the displaced | Humanitarian Practice Network. <https://odihpn.org/publication/wahids-story-fighting-for-the-rights-of-the-displaced/>

[20] For example: Bélanger, D., & Saracoglu, C. (2022). Processes of wage theft: the neoliberal labour market and Syrian refugees in Turkey. Ulaval. [https://www.academia.edu/72650219/Processes\\_of\\_Wage\\_Theft\\_The\\_Neoliberal\\_Labour\\_Market\\_and\\_Syrian\\_Refugees\\_in\\_Turkey?auto=download](https://www.academia.edu/72650219/Processes_of_Wage_Theft_The_Neoliberal_Labour_Market_and_Syrian_Refugees_in_Turkey?auto=download)

[21] For example: Stoakes, E., Kelly, C., & Kelly, A. (2022, October 19). Revealed: how the Thai fishing industry trafficks, imprisons and enslaves. The Guardian. <https://www.theguardian.com/global-development/2015/jul/20/thai-fishing-industry-implicated-enslavement-deaths-rohingya>

[22] MH, E. (2022, December 7). Hostile refugee environments leave grave impact on Syrian children. Enab Baladi. <https://english.enabbaladi.net/archives/2022/12/hostile-refugee-environments-leave-grave-impact-on-syrian-children>

[23] Adolescent Girls in Crisis: Voices from the Venezuelan Migration in Colombia, Ecuador and Peru - Regional report - Colombia. (2021, June 20). ReliefWeb. <https://reliefweb.int/report/colombia/adolescent-girls-crisis-voices-venezuelan-migration-colombia-ecuador-and-peru>

[24] For example: Arnold-Fernandez, E. Refugee Legal Empowerment: From Accompaniment to Justice | Center on International Cooperation. (2023, June 28). Center on International Cooperation. <https://cic.nyu.edu/resources/refugee-legal-empowerment-from-accompaniment-to-justice/>

The impacts of an inadequate protection environment are profound on the individual, as they impede upon the safety, autonomy, health and wellbeing of forcibly displaced people. Frustratingly, an inadequate protection environment also hinders the success of the entire humanitarian-development nexus.<sup>[25]</sup>

[25] The nexus addresses the importance of shifting from parallel health, education, and social welfare systems provided exclusively to displaced people on a short-term basis, to long-term inclusion and integration of displaced people within the health, education, and social welfare systems of the countries where they live (including use of development strategies and funding to bolster those systems as required). Learn more about the nexus here: [https://en.wikipedia.org/wiki/Humanitarian-Development\\_Nexus](https://en.wikipedia.org/wiki/Humanitarian-Development_Nexus)



# Why Protection Is Needed to Enable the Success of the Humanitarian-Development Nexus

Humanitarian aid is only effective when displaced people can reach it; unfortunately, humanitarian aid cannot keep pace<sup>[26]</sup> with growing numbers of people who are displaced. A solution to this resource impasse lies in refugee protection. Only when people of forced displacement are integrated into health, education, and welfare systems can we transition from humanitarian aid and lighten the financial burden. The protection of rights (as ICRC and UNHCR define it) would enable access to all national systems. This integration is an outcome of successful protection efforts.

Development, too, requires protection to be effective. At best, development interventions make little progress without protection. Job skills training is not a viable path toward self-reliance for a refugee who cannot easily hold their employer

[26] With needs at a record high, underfunding is chronic Guterres tells humanitarians (2023, June 11). <https://www.google.com/url?q=https://news.un.org/en/story/2023/06/1137972&sa=D&source=docs&ust=1699309608865380&usg=AOvVaw11ZsVBhHNEk7IntvdqDedf>

accountable to pay wages earned, as is the case for at least 87 percent of refugees.<sup>[27]</sup> University scholarships do little when refugees are required to return to live in internment camps after earning their degrees, as is required in countries like Tanzania.<sup>[28]</sup>

At worst, development interventions without protection actively threaten harm: Refugees have repeatedly rejected attempts to drive them into notoriously exploitative industrial arrangements (in Jordan,<sup>[29]</sup> Ethiopia,<sup>[30]</sup> and Malaysia<sup>[31]</sup> among other examples), in part because these arrangements strip the imperfect, often informal local protections that refugee communities have established for themselves.

[27] See Asylum Access's Refugee Rights Scorecard website here: <https://refugeeworkrights.org/scorecard/>

[28] See Tanzania's 1998 Refugee Act here: <https://www.parliament.go.tz/polis/uploads/bills/acts/1457517011-ActNo-9-1998.pdf>

[29] Crawley, H. Migration: Refugee economics. *Nature* 544, 26–27 (2017). <https://doi.org/10.1038/544026a>

[30] Gordon, J. (2019, January 28). Investing in Low-Wage jobs is the wrong way to reduce migration. *Foreign Policy*. <https://foreignpolicy.com/2019/01/28/investing-in-low-wage-jobs-is-the-wrong-way-to-reduce-migration/>

[31] See: Lovegrove, N. (2017, January 3). Is working legally a win-win for refugees in Malaysia? - Policy Forum. *Policy Forum*. <https://www.policyforum.net/working-legally-win-win-refugees-malaysia/>

We, as a community of refugee responders, should be deeply concerned that most of our “protection” efforts do not lead to the systemic protection of refugees in practice.

Investments in externally-imposed “protection” and a myopic focus on the “humanitarian-development nexus” obscure a fundamental truth: **The only real protection is local.** UNHCR mandates, donor commitments, World Bank loans, and investments in “protection staffing” at multilaterals and INGOs have utterly failed to protect refugees from the dangers inherent in living as non-citizens in countries of refuge.

Sounding the alarm bells, this paper sets forth an **alternative vision for true protection** – one that can address far-spread rights violations. This form of protection, which we call **Localized Protection**, acknowledges that for protection to be real, it **must be embedded in domestic frameworks, and is typically enabled by local actors, especially by refugee communities and their organizations, who deploy comprehensive strategies for systemic change.**

We hope this paper can reorient our thinking toward designing, uplifting, and funding efforts to realize **localized protection.**

“

We, as a community of refugee responders, should be deeply concerned that most of our “protection” efforts do not lead to the systemic protection of refugees in practice.

”

# Localized Protection: The Only Real Protection

**Localized protection is the experience of enjoying rights in practice throughout all aspects of daily life.** When refugees experience localized protection, they will have consistent, reliable access to state-run and state-regulated services: Quality free education,<sup>[32]</sup> decent work,<sup>[33]</sup> affordable healthcare,<sup>[34]</sup> non-discriminatory<sup>[35]</sup> services such as banking<sup>[36]</sup> and mobile/internet,<sup>[37]</sup> protection of police and courts,<sup>[38]</sup> and adequate social welfare systems.<sup>[39]</sup> They will also be able to move freely and safely<sup>[40]</sup> to access these resources.

All of these services and opportunities are provided or regulated by states — and are reliable only when a state’s domestic policy environment mandates and maintains them.

**Localized protection** can only be experienced

[32] Free education is part of Sustainable Development Goal 4. Learn more here: <https://sdgs.un.org/goals/goal4>

[33] Access to decent work is part of Sustainable Development Goal 8. Learn more here: <https://sdgs.un.org/goals/goal8>

[34] Access to healthcare is part of Sustainable Development Goal 3. Learn more here: <https://sdgs.un.org/goals/goal3>

[35] The right to non-discrimination is articulated in the International Covenant on Civil and Political Rights found here: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights#:~:text=Article%2026.-All%20persons%20are&text=In%20this%20respect%2C%20the%20law,property%2C%20birth%20or%20other%20status>

[36] The UNGPs 10+ project explained the importance of access to banking as a core human right. Learn more at: <https://www.ohchr.org/en/special-procedures/wg-business/financial-sector-and-human-rights>

[37] The African Declaration on Internet Rights and Freedoms is an example of emerging norms around internet access as a core human right. Learn more: <https://africaninternetrights.org/declaration>

[38] Access to police protection is a part of Sustainable Development Goal 16. Learn more at: <https://sdgs.un.org/goals/goal16>

[39] Social welfare is part of Sustainable Development Goal 1. Learn more at: <https://sdgs.un.org/goals/goal1>

[40] The rights to free movement and safety are articulated in the Convention relating to the status of refugees, found at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>

fully when the following are present:

- 1. Domestic laws** that fully protect refugees’ rights in all interactions — at work, at school, at home, in transit, and in public and private spaces.
- 2. Enforcement and accountability mechanisms** that put those laws into practice, ensure their implementation by host community actors (both public and private), mobilize state resources to enforce those laws, and empower refugees to use them.
- 3. Resourced and protected refugee communities**, including refugee-led organizations, who have the power, positioning, and safety to participate equitably in shaping domestic laws and accountability mechanisms.

*Localized protection is not a new definition of protection; rather, it simply acknowledges that changes must happen at national & local levels in order for protection to be realized.*

Many organizations are already pursuing localized protection – largely locally- and refugee-led – but they are rarely resourced<sup>[41]</sup> for the type of coherent, long-term strategies that can achieve systemic change. With this in mind, we have focused the rest of the paper on concrete advice for funding bodies as they consider investments in localized protection.

[41] See: Pincock, K., Betts, A., & Easton, E. (2020). The Rhetoric and Reality of localisation: Refugee-Led Organisations in Humanitarian Governance. *Journal of Development Studies*, 57(5), 719–734. <https://doi.org/10.1080/00220388.2020.1802010>

# Call to Action: Invest in Local Advocates Making Systemic Change

To achieve localized protection, donors should deliberately and proactively deepen their investments in local advocates engaged in strategic, long-term efforts to enact systemic change. Specifically, donors should invest in efforts that embody both of the following components:

**1** Local actors, especially refugee communities and RLOs, who are positioned and equipped to be effective advocates for systemic change within their national environments;

**2** Coherent, sustained, locally-devised strategies rooted in a credible theory about how these strategies can meaningfully contribute to systemic reforms.



# Component 1: Invest in Local Advocates

Achieving localized protection requires successful advocacy. Successful advocacy requires actors who are positioned and equipped to be effective advocates. Despite decades of investment, **protection efforts across the globe have failed because resources have not been directed to the right actors** – those who have the qualifications and experience, including lived experience, to successfully transform the domestic policy environment.

The arguments in favor of localization are highly relevant to this discussion; while localized protection is not easy to achieve, those who are positioned and equipped to lead successful efforts for localized protection are nearly always local, and will possess two essential characteristics:

**Deep community embeddedness.** Successful localized protection efforts can only be led by an organization or group that is deeply embedded within a refugee community, as part of the community or a closely-aligned and trusted ally (as determined by refugee communities themselves). Embeddedness is a prerequisite for the organic daily interactions that illuminate the complexities of protection gaps and foster an atmosphere of trust in which the nuances of refugee interests and needs can be fully understood.

Embeddedness also facilitates the mutual trust necessary to reach consensus about protection objectives. Refugee communities must believe their needs, desires, and interests are not only understood but shared by those leading efforts to establish localized protection. At the same time, certain objectives or approaches may be more politically feasible than others, entail different degrees of risk, or require tradeoffs. When localized protection efforts are led by an actor that is deeply embedded within the community, that actor is more likely to be trusted by community members to devise

strategies, establish objectives, and make ongoing adjustments that can achieve the best possible outcome within existing political constraints.

**Local political and legal skills, knowledge, and connections.** Successful localized protection efforts must include actors with the ability to successfully pursue changes in domestic laws and enforcement and accountability mechanisms. This requires local political and legal skills, knowledge, and connections.

This means successful localized protection efforts must either possess connections with the individuals and structures that hold power within the government and those that significantly influence them, or be equipped to build those connections, either directly or through partnership with other allies. It also means this actor must have a deep understanding of government power-holders and influencers, or be able to gain that understanding through testing, learning, and refining their approach. Building and stewarding political connections, and understanding who holds power and influence, require a long-term presence and a

personal stake in the country. This is true not only collectively as an organization (or coalition), but among the individual staff or board members who undertake advocacy.

Beyond political connections, an organization or group seeking to achieve localized protection must include or have connections with, and ability to draw on the expertise of, those with relevant legal training who are equipped to use legal and civic mechanisms. Because localized protection requires not just the right domestic laws but also the enforcement and accountability mechanisms that make these laws meaningful, successfully achieving localized protection requires that refugees are able to use accountability mechanisms to assert rights, obtain redress, and protect themselves from ongoing or future violations. In many circumstances, this necessitates or is best served by engaging local credentialed or expert representatives such as local lawyers or paralegals, who can activate legal and civic processes on behalf of a refugee or refugee community.

These two essential qualifications may reside in a single organization, but more often they exist within coalitions, usually of local actors, including refugee-led organizations.<sup>[42]</sup> Some of the most likely models for actors with the requisite qualifications include: a) An organization that pairs community organizers and paralegals in

equitable relationships with local lawyers and policy experts who have demonstrated the ability to be supportive allies and collaborators; or b) A coalition that pairs refugee-led organizations (RLOs) with local NGOs.

Importantly, donors should ensure that they are working closely with local NGOs that are engaging with RLOs in equitable partnerships, meaning that there is demonstrable power shifting toward refugee communities through the nature of the partnerships.<sup>[43]</sup> It should not be assumed that all national NGOs are operating in equitable partnership with RLOs. Donors can encourage equitable partnerships by enabling space and time for co-design, co-visibility, co-ownership, and by engaging in direct funding relationships with RLOs wherever possible.

[42] A “refugee community” is not one single thing. The “community” is diverse, composed of people with multifaceted identities. It is therefore important to explore funding partnerships with organizations led by refugee women and those who identify as LGBTQ+, and with those who work closely with children and people with disabilities, among others, in order to ensure historically marginalized groups are being represented in the pursuit of localized protection.

[43] Asylum Access defines Equitable Partnerships as “partnerships where systems, processes, and daily interactions help to rectify the power imbalances that enable exclusion.” To learn more see our Building Equitable Partnerships position paper here: <http://asylumaccess.org/ep2023>

## Breaking down the barriers to RLO involvement in localized protection is crucial

In any coalition focused on enabling localized protection, RLOs are crucial; the understandings and perspectives of community leaders and their institutions ensure the work is legitimate, relevant, and impactful. Unfortunately, many RLOs face structural barriers such as funding limitations, access barriers, bias and discrimination, and safety concerns that obstruct their ability to positively affect their environments. Donors should work closely with RLOs to overcome these barriers, and ensure allied, host community-led NGO partners support the removal of these barriers as well. Without this common goal, power dynamics can inadvertently be reinforced. To learn more about the structural barriers that RLOs face, please visit the [Resourcing Refugee Leadership Initiative](#).

All actors in a coalition must be resourced for work they will do: It is not enough to resource a secretariat for coordination but not member organizations for the work to be coordinated – or to fund member organizations for their individual efforts but fail to fund the coordinating work that will make these efforts collectively coherent. It is also highly problematic to finance a national NGO without first exploring the landscape of RLOs, many of whom are focused on localized protection.

Both within and between organizations, collaboration between community-embedded actors and those local political and legal knowledge (if those characteristics are not held within the same individual or organization) can only reach its full potential if it practices *equity* – that is, it embodies systems, processes, and daily interactions that help to rectify the power imbalances that enable exclusion.

Until now, most funding for forced displacement response has gone to outsiders – Northern INGOs or multilateral organizations. But outsiders rarely have the qualifications or mandate to transform the domestic policy environment and achieve localized protection. Among other issues, outsiders typically are not embedded within refugee communities and thus lack experiential knowledge of community needs; are led by individuals without a long-term presence and personal stake in the country, who thus lack the political knowledge and connections to successfully advocate for changes in law; lack the credentials and connections to effectively activate legal and civic processes to support refugees in securing accountability from state and private actors; and are not (or perceive they are not) positioned to safely engage – that is, they are unable or unwilling to challenge systemic protection gaps.

Because the ecosystem for localized protection is so drastically inadequately funded, and because

community-embedded organizations with the skills and connections to achieve localized systemic change are central to success, donors should prioritize organizations with these characteristics. Over the long term, funding can and should support a broad ecosystem that builds and stewards localized protection, which may include a wider range of actors including INGO, multilateral, and even government allies.

However, this should not be donors' first or current priority given the existing state of the ecosystem for localized protection.



## Why Advocacy for Localized Protection by Outsiders Doesn't Work

UNHCR is a perfect example of an outside organization that is not equipped to lead successful efforts for localized protection. UNHCR plays many important roles in the displacement response ecosystem; however, its frequent turnover of leadership staff and technical specialists means the institution is not embedded in refugee communities. Compounding the problem, UNHCR country offices tend to conduct frequent and repetitive needs assessments that extract the same data over and over again from refugee communities -- communities that are dependent on UNHCR's goodwill and thus lack the power to refuse or object. This among other behaviors contributes to diminished trust between UNHCR and refugee communities. These communities are thus unlikely to see UNHCR as an ally, or to believe it is advocating for the best possible outcome within existing political constraints.

UNHCR's high turnover rate has other negative repercussions. Importantly, it keeps UNHCR from building the long-term political connections and knowledge that would give it the power to advocate effectively. It also means UNHCR's advocacy is led by those without long-term presence or a stake in the country they seek to change. As a result, UNHCR is ill-equipped to achieve ambitious yet politically-feasible outcomes – a situation that affirms refugee communities' skepticism and distrust.

UNHCR also is ill-suited to lead efforts for localized protection because it tends to be highly risk averse, both institutionally and individually. As an institution, its presence is at the discretion of the host government; unlike civil society, which has a strong moral and legal claim to the right to operate, UNHCR is present at the ostensible invitation of governments. As individuals, UNHCR staff know their career prospects improve when they maintain stable relationships with the government, which may create a disincentive to advocate strongly for systemic changes or criticize government action.

These drawbacks are not unique to UNHCR. Rather, they reflect a common pattern among multilaterals and international NGOs. This gap in qualifications is the basis for our call to action: Substantial shifts in investment to prioritize localized protection – and those with the qualifications to achieve it.

Even large-scale development interventions aimed at improving the policy environment for refugees are ineffective when attempted from the outside, without concurrent investment in community-led advocacy.

The Prospects project,<sup>[44]</sup> for example, is distributing €500 million across five multilateral agencies — UNHCR, UNICEF, ILO, World Bank, and IFC — to encourage refugee-hosting governments to implement laws and processes to improve refugees' access to formal (and thus protected) jobs. But with virtually no investment in local, community-embedded support to enable refugees to help design and make use of

[44] For more information on the Prospects project, please visit the Dutch government website at: <https://www.government.nl/topics/development-cooperation/the-development-policy-of-the-netherlands/refugees-and-migration>

these laws and processes, these expensive legal improvements are merely theoretical.

Only a fraction of the formal sector jobs that Prospects promised to unlock for refugees in countries such as Ethiopia, Jordan,<sup>[45]</sup> and Kenya have materialized, five years into the project. Meanwhile, refugees and their allies across dozens of countries report that millions of refugee workers<sup>[46]</sup> continue to experience wage theft, unsafe or unfair working conditions, and workplace abuse.

[45] Background on the Prospects project in Jordan can be found on the Dutch government website at: <https://www.netherlandsandyou.nl/web/jordan-en/prospects/background>

[46] See the CGD, Refugees International and Asylum Access 2022 Global Work Rights Report for more information on work rights violations found at: <https://asylumaccess.org/2022-global-refugee-work-rights-report/>



## Component 2: Invest in Coherent & Locally-Devised Strategies

To achieve localized protection, donors must invest in coherent, sustained, locally-devised strategies that enable each of the components of localized protection above.

These strategies will likely have multiple components. Where domestic laws do not fully protect refugees' rights, advocacy to change laws is essential. Refugees and other locals with deep community connections and understanding of local political dynamics are necessary to create the requisite strategic, sustained pressure for the right changes — ones that refugee communities embrace.

Better laws, either through new legislation or through court interpretations that apply legislation to protect refugees' rights, is only the first step. Further advocacy is essential to ensure effective enforcement and accountability<sup>[47]</sup> mechanisms are put in place — and again, such advocacy will only be effective if its core is a domestic movement for change.<sup>[48]</sup> This does not mean all advocacy is entirely local; some of the most effective domestic movements have leveraged international human rights mechanisms<sup>[49]</sup> and transnational networks<sup>[50]</sup> to generate complementary outside pressure

that reinforces locally-led messaging and lends external diplomatic weight to internal calls for change.

Importantly, state-run enforcement mechanisms, while critically necessary, are not sufficient. For accountability to be meaningful, refugee communities also must have the ability to initiate their use. This means refugees must be legally entitled to pursue redress if their rights have been violated, without relying on state authorities who may choose not to pursue enforcement of refugees' rights. They must have the resources and safety to file complaints, bring lawsuits, or organize strikes — as well as the assurance that such actions will be treated appropriately by host government authorities.

To help support such a multi-modal strategy, donors should prioritize funding across four areas: (1) Legal empowerment that focuses on systemic change; (2) domestic political and legal advocacy; (3) community organizing and movement-building; and (4) complementary use of international legal and diplomatic mechanisms as part of broader, locally-led strategies.<sup>[51]</sup>

[47] See: Purkey, A. L. (2013). A dignified approach: legal empowerment and justice for human rights violations in protracted refugee situations. *Journal of Refugee Studies*, 27(2), 260–281. <https://doi.org/10.1093/jrs/fet031>

[48] See: Risse-Kappen, T., Ropp, S. C., & Sikkink, K. (1999). The power of human rights. In Cambridge University Press eBooks. <https://doi.org/10.1017/cbo9780511598777>

[49] See: W. Hill, D., Jr. (2017). Theory and Evidence Regarding the Effectiveness of Human Rights Treaties.

[50] Ibid.

[51] Systemic change to achieve localized protection may involve changes to laws, policies, practices or institutions, public or private, that impact refugees' access to their full range of human rights. "Legal empowerment" may include not only the knowledge, power, and resources to make use of existing laws, policies, practices and institutions, but also strategies to achieve rights in practice, or to mitigate or manage violations of rights, in the absence of adequate laws, policies, practices and institutions.

### 1. Legal empowerment for systemic change:

Donors should fund legal empowerment that equips individual refugees or groups of refugees to demand systemic change by holding more powerful actors accountable for implementing or enforcing their human rights.

To achieve the greatest value for money, donors should prioritize funding legal empowerment approaches that either build momentum for systemic change, or turn already-won policy changes into lived reality in refugees' daily lives. Such approaches may include:

- a. **Advice, support, tools and resources to demand rights.** For example, support that makes it possible for a refugee to insist on a formal employment contract<sup>[52]</sup> and legally-mandated benefits.
- b. **Community legal advice that facilitates informed and proactive self-protection choices.** For example, a series of convenings that helps refugees understand the risks of arrest and detention, and options for mitigating this risk.
- c. **Mediation and negotiation that allows refugees to resolve problems in ways that advance justice<sup>[53]</sup>.** For example, supporting a refugee to negotiate enrolling their child in school without documentation such as a birth certificate.

[52] Isabel, an Asylum Access client, shares a relevant experience here: <https://asylumaccess.org/stories/isabels-story/>

[53] Wahid, an Asylum Access client, shares a relevant life experience here: <https://asylumaccess.org/2022-appeal-wahid/>

### d. Research, including participatory action

**research<sup>[54]</sup>** where communities are engaged in defining systemic problems, gathering data, and proposing recommendations.

### 2. Domestic political and legal advocacy:

Donors should fund bold engagement with government officials and other powerholders that exert control over refugees' experiences. This particularly includes policy advocacy with legislatures and rulemaking bodies, and legal advocacy with courts and administrative tribunals, as both are essential to transforming domestic policy environments to provide localized protection.

To achieve the greatest impact, donors should prioritize funding coherent, multi-modal strategies founded on a credible theory about how these strategies will achieve or substantially contribute to systems change. Such strategies might include:

- a. **Court cases.** For example those that fight for refugees' free movement<sup>[55]</sup> or stop their evictions.<sup>[56]</sup>
- b. **Strategic interventions** with courts and international bodies to address **systemic injustice.** For example, litigation to stop

[54] Learn more about some current participatory action research run by RAIC and Asylum Access Thailand, and funded by IDRC in Canada at: <https://idrc-crdd.ca/en/project/advancing-refugee-protection-and-rights-southeast-asia-through-legal-empowerment>

[55] Learn more about Asylum Access Mexico's journey to address the detention of children here: <https://asylumaccess.org/what-it-takes-to-change-the-law/>

[56] Learn more about protection efforts to stop evictions along the Mexico-Guatemala border here: <https://asylumaccess.org/aam-works-to-stop-summary-evictions-at-the-southern-border/>

government officials from illegally violating refugees' rights,<sup>[57]</sup> or seeking a legal interpretation that forces employers to treat refugee workers fairly.<sup>[58]</sup>

- c. **Engagement with government officials** to understand their position and identify creative solutions. For example, working with a government agency that serves refugees to understand their budget needs and design advocacy to support their request for increased resources.
- d. **Advocacy with government officials** to promote improved laws and policies. For example, convincing a government to legally recognize refugees<sup>[59]</sup> and grant them lawful stay in the country.
- e. **Drafting model legal codes** or proposed text of laws or regulations to support good legislative practice and facilitate timely improvements to laws and policies.
- f. **Strategic use of training** to encourage or support government officials to better implement domestic legal protections for refugees.

[57] Learn more about Kituo Cha Sheria's work to prevent rights violations in Kenya here: <https://kituochasheria.or.ke/wp-content/uploads/2022/09/The-Star-February-10-scaled.jpg>

[58] Learn more about Asylum Access Malaysia's strategic use of industrial courts here: <https://asylumaccess.org/malaysia-court-defends-refugee-worker-rights-in-landmark-ruling/>

[59] Learn more about civil society has worked effectively with government officials in Thailand to support refugee rights at: <https://www.fmreview.org/issue67/thanawattho-rungthong-ar-noldfernandez>

**3. Community organizing:** Donors should fund refugee-led movement-building and community organizing that expresses community opinions or aims to achieve community goals.

To shift power and achieve “localization” commitments, donors should prioritize funding refugee-led organizing – even where the donor believes such participation is not “strategic”. Some of the most transformative social movements have begun with marginalized communities taking action that others deemed unstrategic or unlikely to be effective (as illustrated by Gandhi’s description of the second phase of successful movements: “then they laugh at you”).

For refugee communities, who have been and are routinely prevented or deterred from civic engagement, any form of civic participation by refugees is inherently a means of claiming power and rights, and of holding authorities accountable.

Moreover, donors should prioritize refugee-led organizing as a pathway to lasting localized protection. Because refugee communities have a powerful and enduring incentive to achieve localized protection, investing in growing refugee communities’ organizing experience will continue to improve the effectiveness of those most committed to achieving systemic change.

Such organizing might include:

- a. **Refugee-led community movements such as town hall meetings, petitions, and protests** that use civic spaces to demand rights and

power. For example, refugees protesting xenophobic violence by staging a sit-in<sup>[60]</sup> outside the UN Refugee Agency's offices.

- b. Mutual aid initiatives** where refugees design strategies to navigate illegal or unjust actions by authorities. For example, refugees who are barred from formal banking<sup>[61]</sup> might start a community savings and loan association.

In advocacy planning, safety is an issue for some refugee communities. Too often, however, other actors use safety as a reason to withhold support for refugee-led advocacy, particularly high-visibility advocacy such as community organizing, public protest, and direct engagement with authorities. While allies can play a valuable role in sharing information about risk levels and mitigation strategies, safety risk assessments should be led by refugee communities, and decisions about whether and how to visibly advocate should be left to refugees themselves.

Where refugees cannot safely advocate for their own interests, other locals may need to serve — at the request of refugee organizers — as the visible actors in an advocacy campaign. But even where refugees can and do visibly lead advocacy, partnering with other locals is an important way to leverage their political expertise and connections, and to demonstrate that people with voting power and political clout also support change.

[60] See: South Africa evicts asylum seekers camped outside UN office. Al Jazeera. [https://www.aljazeera.com/news/2023/4/21/south-africa-evicts-asylum-seekers-camped-outside-un-office#:~:text=South%20African%20police%20have%20evicted.\(UN-HCR\)%20offices%20in%20Pretoria](https://www.aljazeera.com/news/2023/4/21/south-africa-evicts-asylum-seekers-camped-outside-un-office#:~:text=South%20African%20police%20have%20evicted.(UN-HCR)%20offices%20in%20Pretoria)

[61] John, an Asylum Access client in Tanzania experiences banking exclusion, articulated here: <https://asylumaccess.org/stories/johns-story/>

**4. Complementary use of international mechanisms:** As part of funding coherent, multi-modal advocacy strategies to transform domestic policy environments, donors may wish to consider funding complementary use of international legal and diplomatic mechanisms that leverage outside pressure to encourage host governments to make change.

To be effective — and to avoid undermining broader localized protection efforts — it is imperative that international interventions be integrated in coherent, locally-led strategies for domestic transformation. While these interventions can be undertaken by INGOs or multilaterals, this should only be done in equitable partnerships with locally-led efforts.

Such interventions might include:

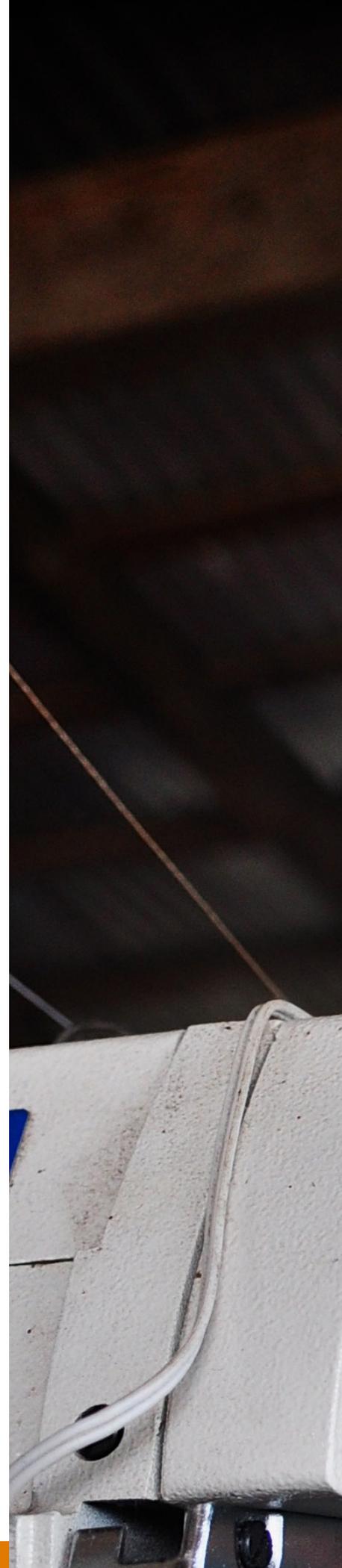
- a. Strategic interventions with multilateral bodies** that can exert diplomatic pressure to create, improve, implement or enforce domestic legal protections. For example, submissions to Special Rapporteurs<sup>[62]</sup> or UN bodies<sup>[63]</sup> that can advance local advocacy agendas.
- b. Seeking interpretations from treaty bodies** on international human rights obligations, where useful to add weight to domestic advocacy for better human rights laws, implementation, or enforcement.

[62] In 2012, Asylum Access Tanzania then Executive Director Janemary Ruhundwa submitted this letter to the Special Rapporteur for the Rights of Migrants: [https://realizingrights.files.wordpress.com/2012/04/special-rapporteur-letter\\_final2.pdf](https://realizingrights.files.wordpress.com/2012/04/special-rapporteur-letter_final2.pdf)

[63] This Universal Periodic Review submission from 2015 was jointly done by several local civil society organizations in Thailand: [https://realizingrights.files.wordpress.com/2012/04/special-rapporteur-letter\\_final2.pdf](https://realizingrights.files.wordpress.com/2012/04/special-rapporteur-letter_final2.pdf)

- c. Cases in regional and international courts** that can order governments to comply with international human rights obligations, imposing consequences and creating pressure for change.

It may be important to consider how to finance an entire ecosystem for change; piecemeal investments can be useful in some circumstances, but unlikely to achieve localized protection. Examples of piecemeal investments include: a local organization may be funded to train police to respect refugees' rights, but not to monitor subsequent improvements or bring litigation to hold police accountable if violations continue after training. A refugee-led organization may receive a grant to write a report on injustices their community experiences in accessing state and private services, but may not then be resourced or trusted to engage the government officials responsible for overseeing or regulating those services, or to develop and implement a campaign seeking change.



# Conclusion: Invest Local and Long-Term

Embedding protection in the local legal environment is central to achieving solutions for refugees – but it requires investing in new actors and strategies. Donors can play a critical role in this transformation by prioritizing investment in efforts led by strong local actors with a coherent, sustained strategy rooted in a credible theory of change.

For more information on how to invest in localized protection, and recommendations for great local organizations who are transforming their protection environments through legal empowerment, domestic advocacy, and community organizing, please contact Asylum Access Director of Partnerships Deepa Nambiar at [deepa.nambiar@asylumaccess.org](mailto:deepa.nambiar@asylumaccess.org).