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Report

Global Consular Forum 2015

Tuesday 26 – Thursday 28 May 2015 | WP1381

Held at the Hacienda Fiesta Americana San Antonio El Puente, Cuernavaca, Mexico

Wilton Park

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The second meeting of the Global Consular Forum (GCF), building on the inaugural GCF meeting held at Wilton Park in 2013, brought together 55 senior consular officials from 25 countries along with the European Union (EU) to consider ways in which to enhance or improve international consular policy and practice.

The purpose of the expert forum was to: promote and deepen understanding of the current issues facing consular services; facilitate an expert exchange of experience, best practice and lessons learned; identify areas of potential consensus with particular regard to future working; consider creative opportunities and innovative approaches to maximise expertise and resources; explore potential mechanisms to promote further development, co-operation and networking; assess ways in which the GCF can assist developing and/or small countries to improve their consular services; and investigate the potential for future work with the private sector and non-governmental bodies.

The meeting was framed around 7 key themes, identified as priority topics by the Steering Committee (SC) countries, with the support and drive from the Secretariat provided by the Government of Canada. In the preceding months, the SC led Working Groups developed discussion papers on 6 of the themes: partnering and technology in emergency management; vulnerable clients; international legal and policy framework; migrant workers; safe travel culture; and family services. The 7th theme, improving consular services, was discussed during the Forum.

"Social media presents opportunities and challenges"

Key points

- The unique nature and importance of consular work presents a particular challenge at a time when demands on services are growing and resources are constrained. The profile of consular in ministries should reflect the high value of this work.
- Further partnerships with the private sector and non-governmental bodies could do much to expand the capacity of consular services in responding to the needs of citizens, maximising resources and building on expertise.
- There is scope to build on existing frameworks and conventions to further collaboration between governments and expand common platforms for joint working.
- Social media presents opportunities and challenges and more can be done to maximise its use, particularly in crisis and emergency response. There is no "one size fits all" and multiple forms of communication should continue to be

deployed.

- Practical collaboration on eg. information exchange, pooling of research findings and shared training will strengthen the capacity of individual countries in responding to the needs of citizens.
- Further research on some of the more complex areas identified in the body of this report would do much to enhance understanding of the issues and assist consular officials in responding to challenges.

Partnering and technology in emergency management

""text blast" to communicate with nationals"

1. In response to the Nepal earthquake in April-May 2015, one government successfully evacuated 500 people from the region, through a "public-private partnership" with an insurance company. This relationship, in place prior to the emergency, allowed for swift and effective action. In spite of having limited "in-country" capacity to respond, the government was able to ensure the safe extraction of its citizens, committing up front to cover 50% of the costs.
2. The crisis also illustrated the opportunities presented by social media, allowing swift and effective two-way communication between citizens and consular officials, particularly when other channels may not be functioning. One country collaborated with key telecommunication companies to collate data derived from Short Messaging Service (SMS) users in Nepal, in order to approximate the number and location of its citizens in the absence of any other reliable information. States are actively exploring the potential of new and emerging technologies to support "digital diplomacy" strategies and emergency response, including a "text blast" to communicate with nationals. Others have used "crowd-sourcing" techniques to validate information.
3. A more challenging aspect of the amplifying nature of new technology, was the case of a couple, confirmed as safe, whose family used social media to raise the profile of their situation. This "social media bomb", increased pressure on the government concerned to carry out an extraordinary evacuation, resulting in the diversion of resources from other areas.
4. The most effective social media strategies are planned in advance and based on a pre-existing channel of communication whereby the relationship and trust with key players (whether they be citizen or telecommunications companies) are already in place. However, it cannot be assumed that all citizens overseas are social media users or that they want to be in contact with their governments. Furthermore, government access to "Big Data", whilst invaluable in an emergency situation, may give rise to concerns about online privacy.
5. Lessons learned from the Nepal earthquake and other recent crises have prompted a research project, led by two of the governments, to explore how social media can be better integrated into emergency responses. Some governments are co-locating social media experts with consular staff in order to embed practice and escalate expertise.
6. In a crisis, there is a growing practice of collaboration with recent examples including Yemen and Nepal. Improving the capacity and capability of governments to collaborate in assisting and evacuating consular clients is an important goal. Training, joint exercises, development of standard practices, use of call centres, working with host nations and 'safe havens'- we can learn from one another. The Consular Protection Division of one country described an extraordinary growth in demand for its services. In the last 5 years, overseas trips by nationals have doubled and in a global environment where 'emergencies are the new normal', officials have experienced a corresponding increase in consular cases. The demand is compounded by high citizen expectations of government support that is difficult to manage with current resources. In the longer term, all governments are considering the balance of responsibility between individual citizens and the state.

"a global environment where 'emergencies are the new normal'"

Vulnerable clients

"In an increasingly networked world that fuels the demand for a 24/7 news cycle, "timely notification" of cases is essential"

Arrest and detention

7. In an increasingly networked world that fuels the demand for a 24/7 news cycle, "timely notification" of cases is essential to ensure that officials can react in advance of the media barrage. One participant suggested that notification should generally happen within 36 hours. Other key principles include consistent standards of practice, quality of access, and respect for unrestricted and confidential communication between the client and the consular official. This is particularly important in death penalty cases, whereby vigorous and early intervention at the trial stage may be more effective than later involvement at appeal. There should be clarity about the remit of consular officials in order to manage expectations of the client and family members, particularly to inform that they are not substitutes for legal representation.

Citizens overseas

8. One country official described how they conduct mandatory pre-departure seminars for citizens preparing to work overseas or join foreign national spouses. The seminars are designed to ensure that citizens are informed about their rights and responsibilities whilst overseas. These messages are emphasised via post arrival seminars in countries which have the death penalty.

"Trained staff, a shared directory of available support and mapping of local expertise are amongst resources that could be developed through cross-country collaboration."

Mental illness

9. Several participants spoke of the growing number of adult clients who are incapacitated, often by mental illness. Easier access to cheaper foreign destinations has encouraged more people to reside abroad. The variable definitions and manifestations of mental illness and the difficulties of assessment and diagnosis make this a particularly challenging area of consular work, not least in countries that may have differing cultural attitudes towards mental health. Trained staff, a shared directory of available support and mapping of local expertise are amongst resources that could be developed through cross-country collaboration. International frameworks such as the 2000 Hague Convention on the Protection of Adults could be useful for signatory countries. Overall, this complex area would benefit from further exploration.

"Other countries have a legal obligation to assist all residents, regardless of citizenship."

Respecting dual nationality

10. There are diverse responses to dual nationality- some countries recognise it and others do not. In some cases, the approach is to assist if the person entered the country on the relevant national passport. Other countries have a legal obligation to assist all residents, regardless of citizenship. These varying approaches to dual nationality raise particular dilemmas for officials and the GCF agreed it would be useful to focus on some practical ways forward.

"research highlighted common needs and identified areas whereby the VCCR could be supplemented"

International legal and policy framework

11. A research project examined 57 bi-lateral or pluri-lateral consular agreements provided by GCF members, illustrating practical ways in which countries have built on the original framework of the Vienna Convention on Consular Relations (VCCR). These agreements may resolve uncertainty by achieving consensus on a common interpretation of VCCR provisions, particularly implementing issues covered by the Treaty. Consular practices and policies have developed in the 50 years since the VCCR was signed and there is an opportunity to review emerging issues in order to build on the existing framework. Furthermore, there may be issues outside the scope of the VCCR (ie dual nationality), with challenges best met through ratification of private law conventions, or with operational matters.

12. In particular, the research highlighted common needs and identified areas whereby the

VCCR could be supplemented, including the prospect of developing agreed guidelines to facilitate the sharing of good practice. Further in depth consultation will develop the scope of these findings to identify components towards model consular policies and practices. Lessons learned and best practice experience will do much to assist countries in responding to the ever more complex demands on consular services.

Migrant workers

"Countries that have established an extensive network of consular offices, including mobile consulates, have found this to be an important source of support and empowerment for the diaspora population"

13. Seasonal Agricultural Worker programmes, were cited as examples of good collaboration between sending and receiving states. The orderly movement and return of people on these programmes, illustrate the value of pro-active partnerships in addressing and resolving a range of issues that impact migrant workers. In particular, transnational families with children of dual nationality, raise a range of issues that fall within the consular remit.

14. Countries that have established an extensive network of consular offices, including mobile consulates, have found this to be an important source of support and empowerment for the diaspora population, at a regional and community level. Other initiatives, supported by outreach from consular networks, work to validate and promote schemes, include the issue of eg. Consular Identification Cards. These cards confirm that the, otherwise undocumented, holders are bona fide nationals thereby facilitating access to eg banking and health services.

15. As an example of another initiative, one country has recently introduced voting for its overseas citizens, undertaken via its consular offices. This is only the 2nd occasion whereby the diaspora could vote in an election.

16. One official spoke of several challenges with regard to the experiences of their migrant workers overseas. These include access to citizens caught in conflict zones; the refusal of some employers to release workers from contracts in spite of these conflicts or other emergencies; and the loss of reduction of benefits, including insurance cover voided in the event of conflict or crises. There are also specific problems relating to the exploitation of nationals employed by "VIPs", in particular, domestic staff working for consular and diplomatic personnel of other countries and the ensuing difficulties of access and accountability.

""Sending" countries, are increasingly becoming "receiving" countries"

17. "Sending" countries, are increasingly becoming "receiving" countries, as they experience the arrival of migrant workers on their own borders. This presents new challenges and provides an opportunity to share good practice, ensure consistent standards of response and "export" expertise by working with governments of originating countries in developing their own consular services.

18. The issues raised by the experience with migrant workers are not unique to migrant producing countries. The same challenges resonate for consular officials when dealing with the protection of vulnerable clients including the victims of human trafficking, problems facing families and unaccompanied children, preparation for citizens to travel safely and life overseas, and finding new and better ways of communicating with traveling nationals.

Safe travel culture

"The safety of nationals overseas is of primary concern to governments."

19. The safety of nationals overseas is of primary concern to governments. Messages promoting a "preventative" approach, encouraging citizens to take appropriate measures prior to travel, can be very effective. However, a multi-channel strategy that recognises the diverse needs of citizens remains key to ensuring that communications reach the intended audiences. There is no "one size fits all": social media should supplement, rather than substitute for, more traditional methods.

20. Information from governments is often perceived as boring or bureaucratic in tone, a view that can be countered by the use of more creative messaging and different media.

"There is no "one size fits all": social media should supplement, rather than substitute for, more traditional methods."

New technology is relatively "user-friendly" and effective in connecting with a range of audiences and demographic groups, particularly those which have previously been difficult to reach.

21. Governments have trialled a range of innovative approaches to raise awareness of the role and remit of consular services, assisting citizens to understand what help can be offered and also the limitations. For example, reality TV shows filmed in a consulate office, "fly on the wall" documentaries, compilations of real life consular "horror stories" and graphic novels and comic books.

22. There have been notable successes when governments have tested messages and ways of reaching target audiences with new partners, including public relations firms. Other examples of partnerships through which consular services have been able to expand messaging to promote a safe travel culture include: travel companies and tour operators; two-way communications between sending and destination countries; peer networks via eg student ambassadors; affinity or special interest groups to reach specific populations; and collaboration with celebrities or specialist journalists. A government sponsored "hackathon" attracted young software developers who delivered a range of useful applications over the course of a few days. In all cases, these relatively low cost initiatives served to multiply the message, tailored appropriately for the respective audiences and directed traffic to government travel websites.

"A government sponsored "hackathon" attracted young software developers who delivered a range of useful applications"

23. Major events, such as the Hajj, or international sports tournaments and regular calendar activities including school holidays, are planned in advance. This allows consular staff to anticipate spikes in the demand for outreach services and to prioritise and resource accordingly.

24. The development of "apps" (applications) to maximise digital channels has proved particularly successful. These can overcome the problem of expensive roaming charges, allowing people to download travel advice and information which can later be accessed off-line. For example, a built-in "panic button" allows the user fast and easy access to a help-centre, in the event of an emergency.

"a built-in "panic button" allows the user fast and easy access to a help-centre"

25. Effectiveness of messaging and the impact on the intended audiences is measured through surveys, complaint and feedback mechanisms, and other data analytics. These evaluation techniques are important in identifying what is being done well, gaps in service and areas for improvement.

Family services

"children and parents caught up in cross-border custody disputes are growing in number"

26. Consular assistance to children and families often poses special challenges and requires extensive resources and expertise. For example, children and parents caught up in cross-border custody disputes are growing in number and the provision of effective and timely consular services to children at risk in foreign jurisdictions can be particularly difficult. One important change in recent decades is the normative development on rights of the child. Virtually all cultures, religions and political systems have recognised these rights.

27. The 1980 Hague Convention on the Civil Aspects of International Child Abduction is the only multilateral treaty to assist left-behind parents who are seeking the return or access to children who have been wrongfully removed to or retained in another State Party to the Convention. However, many states have not ratified the Convention and implementation amongst signatory countries can be inconsistent. Additional tools such as mediation could provide stepping stones to build support for ratification and there is scope for states to provide technical support to alleviate some of the challenges of uneven application. Given the value of the Convention, more joint efforts to promote accession to it would help consular clients from both sending and receiving countries.

"Additional tools such as mediation could provide stepping stones to build support for ratification"

28. Some Muslim countries regard the Convention as incompatible with Sharia law systems. However, the early findings of recent research by Muslim scholars indicate

that they find no impediment to accession by Muslim countries.

29. One country recently acceded to the Hague Convention, having overcome concerns that it represented a western model unsuitable to their domestic law, family culture and traditions. Accession has proved successful, in that the Convention is now seen as a reasonable mechanism available to assist parents in resolving difficult custody disputes.

30. In response to other forms of maltreatment, some countries have introduced legislation to tackle the practice of Child and Early Forced Marriage and Female Genital Mutilation.

"some countries have developed a "Vulnerability Matrix""

31. Other tools, resources and networks can be accessed by consular officials to ensure effective responses to complex welfare challenges. For example, some countries have developed a "Vulnerability Matrix", recognising the higher levels of service and expertise required for the most vulnerable cases. Other measures include training of staff, contracted and delivered through a private provider, to respond to cases of sexual assault.

32. Mapping exercises, carried out by GCF missions in pilot locations, have identified resources appropriate to supporting consular cases involving children and families. There is scope to expand this through the wider GCF.

Conclusion

Improving consular services: looking to the future

The GCF is the only global forum for broad engagement on consular issues and it is seen as an invaluable mechanism to build a community of practice to promote practical sharing, exchange and collaboration.

Specific points of agreement included:

- A continued emphasis on sharing of efficiencies, improvements and innovations
- Shared training should be a priority, particularly given resource implications and the added value of increasing common understanding and collaboration.
- Meetings of the GCF should continue and remain at the senior officials level, with the aim of holding the next Forum 18 months after the 2nd GCF. The Steering Committee will send out a request for proposals to host the next GCF. Several countries have indicated an interest. In addition to a senior officials dialogue, there were suggestions of including private sector and NGO partners/suppliers in some portion of the next forum.
- Ministerial level participation is valuable to highlight the importance of the Consular portfolio within Foreign Ministries, but should be limited to a ceremonial role, as was done successfully at the GCF hosted in Mexico.
- Where practical, membership of the GCF Steering Committee should continue to emphasise geographic diversity, ideally with at least one representative from each continent
- Members should promote the GCF at regional fora and other gatherings
- More opportunities for dialogue and exchange should be developed, in between GCF meetings, In particular, Working Groups should continue, with more regular reports and the opportunity for other members to contribute
- Improved communications would facilitate more exchange and opportunities for member input. The GCF website should be retained with improvements to its design and accessibility.
- It was noted that websites are essentially static repositories and there was

agreement to the proposal to explore development of a social media tool to facilitate and encourage more dynamic networking, engagement and exchange between members, both as individuals and as group participants in GCF working groups. It was agreed to explore options to this end.

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