

MAKING COMPREHENSIVE APPROACHES TO RESOLVING REFUGEE PROBLEMS MORE SYSTEMATIC

I. INTRODUCTION

1. Comprehensive plans of action (CPAs) have in the past proved successful in resolving long-standing refugee problems. As the number of protracted refugee situations has increased in the last decade, and their average duration correspondingly risen, there has been renewed interest in using comprehensive strategies to deal effectively with them¹. Redoubling the search for durable solutions through comprehensive approaches was highlighted during the Global Consultations process, was a focus of attention of the UNHCR 2004 process, is a specific goal in the Agenda for Protection², and is central to the Convention Plus process.

2. Most recently the discussion of protracted refugee situations during the 30th meeting of the Standing Committee in June 2004, highlighted how the tools being developed through Convention Plus can converge into a comprehensive strategy to address particular refugee situations. The multilateral frameworks of understanding being developed through the Convention Plus process can be applied together in a comprehensive plan of action to resolve protracted and/or pressing refugee situations before they become so.

3. The purpose of this paper is to examine what is meant by a comprehensive approach, when a comprehensive approach should be pursued and what roles UNHCR, States and other actors can play in implementing them. It proposes a new procedure to oblige the Office to engage more systematically in situations requiring strong political and financial support to unblock durable solutions.

4. UNHCR's starting point is that protracted refugee situations are unacceptable³. Therefore, where they exist, it is incumbent on UNHCR, States, United Nations and other partners to address them more systematically and resolutely. Moreover, the most appropriate moment for devising comprehensive approaches is at the onset of a refugee movement and not after the situation has become entrenched. While the focus of this paper is on protracted refugee situations, UNHCR and States may also wish to consider how the approach developed in this paper can be applied to refugee situations before they become protracted. Included in annex I are some current examples.

¹ See EC/54/SC/CRP.14 of 10 June 2004, submitted to the 30th meeting of the Standing Committee.

² A/AC.96/965/Add.1 of 26 June 2002, Goal 5.

³ The negative consequences of protracted refugee situations have been documented in numerous reports and publications. Most recently, UNHCR highlighted a number of these, noting that: "Protracted refugee situations also waste lives by perpetuating poverty"; and "The prolongation of refugees' dependence on external assistance also squanders precious resources of host countries, donors and refugees" (EC/54/SC/CRP.14 of 10 June 2004).

II. WHAT IS COMPREHENSIVE ?

5. The most noteworthy past CPAs are the 1989 Comprehensive Plan of Action for Indo-Chinese refugees (CPA), the 1989 International Conference on Central American Refugees (CIREFCA) and the 1996 CIS Conference process⁴. Common to all was the convergence of interests of a range of States, as well as humanitarian, development and other organizations, in developing a comprehensive approach, and the corresponding willingness to provide the necessary political and financial support for implementation.

6. Although these CPAs differed in both the tools employed and the outcomes achieved, they shared the following characteristics:

- Focused on a region and/or a shared refugee/IDP problem;
- Had clear protection and durable solutions objectives;
- Involved close cooperation among countries of origin, host States, UNHCR and its humanitarian and development partners, as well as affected communities and refugees;
- Established effective linkages between relevant political, peace-keeping, humanitarian, human rights and developmental initiatives;
- Set out the role and commitments of all stakeholders; and
- Established effective monitoring and follow-up mechanisms.

7. Past comprehensive approaches were designed to find solutions for an entire national refugee group or groups, focused on a particular country or region. Traditionally, they have been regarded as very ambitious enterprises, only to be pursued if they can solve an entire situation. This “all or nothing” view of CPAs, however, is unnecessarily limiting because it excludes the possibility of using CPAs to provide solutions that may not be as all-encompassing, but which nevertheless can effectively address a particular and persistent refugee problem.

8. For example, the Multilateral Framework of Understandings devised by the Convention Plus Core Group on the Strategic Use of Resettlement recognizes that: "in the context of Convention Plus comprehensive arrangements to achieve durable solutions, resettlement will normally be undertaken in concert with the other durable solutions for refugees and initiatives relating to persons found not to be in need of international protection. There may be situations, however, in which a multilateral resettlement response alone to a refugee situation is appropriate, although a comprehensive resolution of the plight of an entire refugee population may not yet be possible."⁵

⁴ The Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States.

⁵ Preamble, paragraph 3

9. CPAs can and should be used more flexibly to bring about protection and durable solutions in a more targeted yet significant way. This could include, for example, a CPA for refugees of one or more nationalities in one particular asylum country and/or a CPA focused on a chain of countries that are affected by a refugee movement.

10. This view of comprehensiveness provides for a mix of responses and stakeholders to a given refugee problem without the inhibiting requirement or expectation that it be exhaustive in its scope. It allows for the real benefits of comprehensive approaches to be brought to bear on current protection and durable solutions challenges in as limited or expansive a manner as can be supported. It demands of UNHCR and States a re-evaluation of the possibilities for comprehensive approaches to contemporary refugee situations in a more systematic manner. If due attention is paid to the possibilities of comprehensive approaches from the earliest stages of a refugee crisis, lapses into prolonged care and maintenance situations can be avoided. The Framework for Durable Solutions sets out a range of tools that are relevant in this context.

III. TOWARDS A MORE SYSTEMATIC APPROACH TO DEVISING CPAs

11. Given that every refugee situation is unique, it is difficult to devise a rigid formula setting out the most appropriate indicators of when a situation should be assessed to determine whether a comprehensive approach is suitable. Size, duration, degree of hardship suffered by refugees, cost to host countries, resources expended by UNHCR and the broader international community, and problems experienced by neighbouring and/or third countries as a result of secondary movements should all have a bearing on this assessment. Interest within the United Nations Secretariat and/or expressed by the General Assembly or Security Council may also be a feature.

12. In light of the need to be more strategic, a more systematic approach to devising CPAs is needed and should initially focus on protracted refugee situations, especially given the high priority UNHCR and States have placed on finding more effective responses to them. Using the measure provided in the paper presented to the Standing Committee in June of this year, protracted refugee situations are considered to be those consisting of a refugee population of 25,000 persons or more who have been in exile for five years or more in developing countries.⁶

13. This systematic approach would require UNHCR to institute an annual analysis of all protracted refugee situations with a view to identifying those for which a comprehensive approach would be appropriate either to bring them to an end or to improve protection and bring about durable solutions for a significant number of the refugees concerned. This analysis would provide a contextual overview of the situation including a demographic analysis, the main causes for the displacement and why it persists, and a review of the availability of durable solutions. It would conclude with an assessment of whether there were opportunities for a comprehensive approach and the feasibility thereof. This assessment would be brought to the attention of States and other interested actors and partners, including through reporting to the Executive Committee of the High Commissioner's Programme and its Standing Committee.

⁶ This excludes Palestinian refugees who fall under the mandate of UNRWA.

14. Following this assessment, a conclusion in favour of pursuing a CPA would contain proposals regarding the components of the CPA. While it is recognized that every situation will require a unique package of measures, the generic frameworks of understanding being prepared through Convention Plus will provide ready-made elements.

15. In circumstances where UNHCR considers that a comprehensive approach is appropriate, the Office would explore its feasibility with interested States and other actors. The aim would be to present UNHCR's view of the situation, receive feedback, develop a shared understanding of the situation and the range of possible solutions, and to conclude with a recommendation of whether a CPA should be pursued. Where there is substantial agreement on the advisability of a CPA, next steps and a workplan would be agreed upon.

16. Included in the workplan would be: the identification of relevant partnerships; formation of a Steering Committee; definition of respective roles and responsibilities of each actor; elaboration of a timeframe for implementation; and establishment of benchmarks against which progress can be gauged. On the basis of these consultations, the High Commissioner would formalize the outcome, as appropriate, in a broad meeting of States and other actors, inviting wider participation in the proposed CPA. Once agreed, the CPA would be implemented in accordance with the mechanism worked out with States on the basis of the necessary commitments and provision of required resources.

17. Annexes I and II respectively contain an overview of the procedure described above and a table listing existing protracted situations where this procedure will be implemented, apart from Afghanistan and Somalia where comprehensive approaches are already being developed. Participants in the Forum are invited to comment on the merits of the proposed approach.

OUTLINE OF THE PROCEDURAL MECHANISM FOR A MORE SYSTEMATIC APPROACH TO CPAS

Stage 1: UNHCR analysis and assessment

- Contextual overview: demographic analysis of population(s), main causes for displacement, current situation and outlook for solutions.
- Analysis of why the situation is protracted (e.g. ongoing emergency; unresolved political conflict; refugee population reluctant to return; lapse into an acceptance of the status quo).
- Examination of opportunities to implement durable solutions (e.g. donor interest; peace process; cessation of hostilities; spontaneous movements; contacts between host and country of origin), including the use of the Framework for Durable Solutions.
- Examination of obstacles (e.g. ongoing conflict; continued refugee movements; lack of political support; inadequate infrastructure in country of origin).

Stage 2: UNHCR determination of recommended action

- Prognosis for solutions: is a CPA feasible and/or advisable in this situation? If so, provide an outline of its elements:
 - Type of solutions to be pursued
 - Timeframe
 - Benchmarks
- What are the implications of pursuing a CPA (effect on UNHCR assistance; financial and staffing resource implications; engagement of development actors)?
- Overview of actions by relevant actors/partners that are necessary to implement the CPA.

Stage 3: Consultations

- UNHCR engages in consultations with States and other interested parties to review analysis and basis for comprehensive plan of action.
- Shared understanding reached and elements for CPA defined.
- Development of a workplan and recommendations to the High Commissioner.

Stage 4: Meeting of States

- High Commissioner formalizes outcome of consultations on the CPA in a conference of States and other actors.
- States agree on the allocation of respective roles and responsibilities, including meeting resource needs.
- Determination of follow-up/coordination mechanism.

Stage 5: Implementation of comprehensive plan of action

Major protracted refugee situations as per end 2003

Selection: refugee situations numbering 25,000 or more persons in non-industrialized countries by the end of 2003 which have been in existence for 5 or more years. Industrialized asylum countries (except Serbia and Montenegro) are not included, because most refugees in these countries can be considered to have found a durable solution.

Breakdown of origin by country of asylum (non-industrialized) hosting 5,000 or more persons and various (non-industrialised) hosting less than 5,000.

Source: 2003 UNHCR Annual Statistical Report.

Origin	Country of asylum	UNHCR assistance status			
		Assisted	Not assisted	Total	% Assisted
Afghanistan	Pakistan	1 123 600	-	1 123 600	100,0%
Afghanistan	Islamic Rep. of Iran	834 700	-	834 700	100,0%
Afghanistan	India	10 300	-	10 300	100,0%
Afghanistan	Uzbekistan	2 500	3 000	5 500	45,5%
Afghanistan	Various	8 000	2 700	10 700	74,8%
Afghanistan Total		1 979 100	5 700	1 984 800	99,7%
Angola	Zambia	71 900	87 000	158 900	45,2%
Angola	Dem. Rep. of the Congo	42 700	81 000	123 700	34,5%
Angola	Namibia	11 800	6 000	17 800	66,3%
Angola	South Africa	500	5 300	5 800	8,6%
Angola	Various	4 800	2 700	7 500	64,0%
Angola Total		131 700	182 000	313 700	42,0%
Azerbaijan	Armenia	50 000	189 300	239 300	20,9%
Azerbaijan	Various	400	300	700	57,1%
Azerbaijan Total		50 400	189 600	240 000	21,0%
Bhutan	Nepal	103 700	-	103 700	100,0%
Bhutan Total		103 700	-	103 700	100,0%
Bosnia and Herzegovina	Serbia and Montenegro	99 800	-	99 800	100,0%
Bosnia and Herzegovina Total		99 800	-	99 800	100,0%
Burundi	United Rep. of Tanzania	324 200	170 000	494 200	65,6%
Burundi	Dem. Rep. of the Congo	500	19 100	19 600	2,6%
Burundi	Various	8 500	2 000	10 500	81,0%
Burundi Total		333 200	191 100	524 300	63,6%
Chad	Cameroon	-	39 300	39 300	0,0%
Chad	Sudan	-	5 000	5 000	0,0%
Chad	Various	1 700	5 100	6 800	25,0%
Chad Total		1 700	49 400	51 100	3,3%
China	India	-	92 300	92 300	0,0%
China	Various	200	-	200	100,0%
China Total		200	92 300	92 500	0,2%
Croatia	Serbia and Montenegro	189 700	-	189 700	100,0%
Croatia Total		189 700	-	189 700	100,0%
Dem. Rep. of the Congo	United Rep. of Tanzania	150 200	-	150 200	100,0%
Dem. Rep. of the Congo	Congo	79 600	1 400	81 000	98,3%
Dem. Rep. of the Congo	Zambia	54 400	4 000	58 400	93,2%
Dem. Rep. of the Congo	Burundi	13 200	27 400	40 600	32,5%
Dem. Rep. of the Congo	Rwanda	34 700	-	34 700	100,0%
Dem. Rep. of the Congo	Angola	13 000	-	13 000	100,0%
Dem. Rep. of the Congo	Uganda	11 500	200	11 700	98,3%
Dem. Rep. of the Congo	South Africa	2 700	6 200	8 900	30,3%
Dem. Rep. of the Congo	Central African Rep.	2 900	3 600	6 500	44,6%
Dem. Rep. of the Congo	Zimbabwe	6 100	-	6 100	100,0%
Dem. Rep. of the Congo	Various	5 300	3 900	9 200	57,6%
Dem. Rep. of the Congo Total		373 600	46 700	420 300	88,9%
Eritrea	Sudan	72 900	35 400	108 300	67,3%
Eritrea	Ethiopia	6 800	-	6 800	100,0%
Eritrea	Various	700	-	700	100,0%
Eritrea Total		80 400	35 400	115 800	69,4%
Ethiopia	Sudan	800	14 500	15 300	5,2%
Ethiopia	Kenya	11 100	-	11 100	100,0%
Ethiopia	Various	4 200	500	4 700	89,4%
Ethiopia Total		16 100	15 000	31 100	51,8%
Iraq	Islamic Rep. of Iran	150 200	-	150 200	100,0%
Iraq	Various	4 100	3 300	7 400	55,4%
Iraq Total		154 300	3 300	157 600	97,9%

Origin	Country of asylum	UNHCR assistance status			
		Assisted	Not assisted	Total	% Assisted
Liberia	Guinea	89 400	60 200	149 600	59,8%
Liberia	Côte d'Ivoire	74 200	-	74 200	100,0%
Liberia	Sierra Leone	61 200	-	61 200	100,0%
Liberia	Ghana	42 500	-	42 500	100,0%
Liberia	Various	5 100	1 300	6 400	79,7%
Liberia Total		272 400	61 500	333 900	81,6%
Mauritania	Senegal	19 800	-	19 800	100,0%
Mauritania	Mali	6 100	-	6 100	100,0%
Mauritania	Various	100	-	100	100,0%
Mauritania Total		26 000	-	26 000	100,0%
Myanmar	Thailand	118 400	400	118 800	99,7%
Myanmar	Bangladesh	19 700	-	19 700	100,0%
Myanmar	Malaysia	-	9 300	9 300	0,0%
Myanmar	Various	1 000	-	1 000	100,0%
Myanmar Total		139 100	9 700	148 800	93,5%
Occupied Palestinian Territory	Saudi Arabia	-	240 000	240 000	0,0%
Occupied Palestinian Territory	Iraq	-	100 000	100 000	0,0%
Occupied Palestinian Territory	Egypt	200	70 000	70 200	0,3%
Occupied Palestinian Territory	Libyan Arab Jamahiriya	500	8 300	8 800	5,7%
Occupied Palestinian Territory	Various	1 000	5 400	6 400	15,6%
Occupied Palestinian Territory Total		1 700	423 700	425 400	0,4%
Rwanda	Dem. Rep. of the Congo	400	19 300	19 700	2,0%
Rwanda	Uganda	19 600	-	19 600	100,0%
Rwanda	Congo	-	5 900	5 900	0,0%
Rwanda	Zambia	4 800	1 000	5 800	82,8%
Rwanda	Various	10 500	3 400	13 900	75,5%
Rwanda Total		35 300	29 600	64 900	54,4%
Sierra Leone	Guinea	15 000	10 000	25 000	60,0%
Sierra Leone	Liberia	13 900	-	13 900	100,0%
Sierra Leone	Gambia	1 000	5 100	6 100	16,4%
Sierra Leone	Various	5 700	400	6 100	93,4%
Sierra Leone Total		35 600	15 500	51 100	69,7%
Somalia	Kenya	154 300	-	154 300	100,0%
Somalia	Yemen	59 200	-	59 200	100,0%
Somalia	Ethiopia	28 300	-	28 300	100,0%
Somalia	Djibouti	25 500	-	25 500	100,0%
Somalia	South Africa	400	6 500	6 900	5,8%
Somalia	Various	13 700	3 100	16 800	81,5%
Somalia Total		281 400	9 600	291 000	96,7%
Sri Lanka	India	-	60 900	60 900	0,0%
Sri Lanka	Various	100	100	200	50,0%
Sri Lanka Total		100	61 000	61 100	0,2%
Sudan	Uganda	178 300	20 000	198 300	89,9%
Sudan	Chad	55 000	55 000	110 000	50,0%
Sudan	Ethiopia	94 900	-	94 900	100,0%
Sudan	Kenya	63 200	-	63 200	100,0%
Sudan	Dem. Rep. of the Congo	10 900	34 200	45 100	24,2%
Sudan	Central African Rep.	36 400	100	36 500	99,7%
Sudan	Egypt	14 200	-	14 200	100,0%
Sudan	Various	1 900	400	2 300	82,6%
Sudan Total		454 800	109 700	564 500	80,6%
Tajikistan	Uzbekistan	-	39 200	39 200	0,0%
Tajikistan	Turkmenistan	12 100	-	12 100	100,0%
Tajikistan	Various	5 400	1 600	7 000	77,1%
Tajikistan Total		17 500	40 800	58 300	30,0%
Viet Nam	China	10 800	288 500	299 300	3,6%
Viet Nam	Various	200	1 800	2 000	10,0%
Viet Nam Total		11 000	290 300	301 300	3,7%
Western Sahara	Algeria	155 400	9 600	165 000	94,2%
Western Sahara	Various	700	-	700	100,0%
Western Sahara Total		156 100	9 600	165 700	94,2%
Grand Total		4 944 900	1 871 500	6 816 400	72,5%

Other major refugee situations in existence less than 5 years.					
Origin	Country of asylum	UNHCR assistance status			
		Assisted	Not assisted	Total	% Assisted
Central African Republic	Chad	33 500	400	33 900	99,0%
Central African Republic	Various			1 100	
Central African Republic Total				35 000	
Côte d'Ivoire	Guinea	7 100	2 500	9 600	74,0%
Côte d'Ivoire	Liberia	400	19 600	20 000	2,0%
Côte d'Ivoire	Various			1 700	
Côte d'Ivoire Total				31 300	
Uganda	Dem. Rep. of the Congo	-	19 000	19 000	0,0%
Uganda	Sudan	-	8 000	8 000	0,0%
Uganda	Various			4 700	
Uganda Total				31 700	
Colombia	Costa Rica	-	8 266	8 266	0,0%
Colombia	Ecuador	6 245	3	6 248	100,0%
Colombia	Various			1 222	
Colombia Total				15 736	