

PROTRACTED REFUGEE SITUATIONS

A discussion paper prepared for the  
High Commissioner's Dialogue on Protection Challenges

*Geneva, December 2008*

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## Summary

This discussion paper is intended to help frame the debate on protracted refugee situations at the December 2008 meeting of the High Commissioner's Dialogue on Protection Challenges. It is also designed to support the implementation of the High Commissioner's Special Initiative on Protracted Refugee Situations, which focuses on five situations in different parts of the world where refugees have been living in exile for long periods of time: Afghan refugees in the Islamic Republic of Iran and Pakistan; refugees from Myanmar in Bangladesh; Bosnian and Croatian refugees in Serbia; Burundian refugees in the United Republic of Tanzania; and Eritrean refugees in eastern Sudan.

The opening section identifies a number of commitments that UNHCR considers to be essential if the international community is to address the problem of protracted refugee situations in a more effective and equitable manner. They include a commitment to action in the political sphere; to the principle of international solidarity and responsibility-sharing; to cooperative and coordinated activities; to international human rights standards; and to the search for diversified and complementary solutions to refugee situations. UNHCR invites participants in the Dialogue to examine these commitments and to identify the strategies and practical activities that are required to operationalize them.

The second part of the paper invites the Dialogue to consider the action that is required to realize the different solutions to protracted refugee situations.

With respect to voluntary repatriation, the paper asks what can be done to create conditions that are conducive to return in countries of origin, and to protect the human rights and welfare of refugees in the repatriation process. It also identifies a number of areas for discussion in relation to the sustainable reintegration of returnees, including the restoration of national protection, land and property issues, as well as the need for integrated strategies linking humanitarian relief with development assistance.

Turning to strategies and solutions in countries of asylum, the paper outlines the weaknesses of the 'care and maintenance' model of refugee assistance and proposes an alternative approach, based on the promotion of livelihoods and self-reliance. UNHCR invites the Dialogue to examine the different types of programme and project that might be implemented to support this objective. The Office also welcomes a discussion on the conditions under which local integration is an appropriate and viable solution for people living in protracted refugee situations.

The following section of the paper focuses on the 'strategic use of resettlement', explaining the meaning of this concept, as well as its objectives and the results that have been attained in the implementation of this approach. It also presents some practical matters that the Dialogue might examine in support of efforts to maximize the potential of resettlement. These include the issues of resettlement criteria, procedures and places; the impact of resettlement on the search for other solutions; and the implications of resettlement for refugees who are left behind in countries of asylum.

The subsequent section of the paper looks at a new notion, namely the potential for refugees and former refugees to find either interim or durable solutions outside their country of origin by means of migration options.

Recalling that the refugee protection regime is based on the notion of collective responsibility, the Conclusion invites participants in the Dialogue to undertake a fundamental reappraisal of the way in which the international community responds to protracted refugee situations.

What can be done at the earliest stage of a refugee emergency, for example, to avert the need for long-term care and maintenance programmes? Is the problem of protracted refugee situations being adequately addressed in the process of UN and humanitarian reform? Would a reappraisal of the traditional distinction between humanitarian and development funding make it any easier to find durable solutions for the world's long-term refugees? And given the evidence that few refugee situations are resolved quickly and that many become protracted, could refugee programmes be organized on a multi-year basis, supported by longer-term commitments?

## **I. Introduction**

1. Millions of refugees throughout the world have been living in exile for years or even decades on end, without any immediate prospect of finding a solution to their plight. While some live in reasonable conditions and are able to attain a degree of self-reliance, many are obliged to spend the best years of their lives in shabby camps or shanty settlements, exposed to a wide range of dangers and unable to exercise all of their rights.

2. The problem of protracted refugee situations is by no means a new one, but it is only in recent years that it has found a prominent place on the international humanitarian agenda. The issue was a central concern of the 2002 Agenda for Protection, and was highlighted again in a June 2004 Standing Committee paper that presented a definition of the ‘protracted refugee situation’ concept and demonstrated the dimensions of the problem throughout the world.<sup>1</sup>

3. In June 2008, a further Standing Committee paper examined the many negative consequences of protracted refugee situations, identified some emerging opportunities in relation to their resolution and presented a Special Initiative launched by the High Commissioner, focusing initially on five protracted refugee situations in different parts of the world.<sup>2</sup> The paper also set out the principal approaches, tools and methods that UNHCR would use in its efforts to reinvigorate the search for solutions to protracted refugee situations.

4. The 2008 meeting of the High Commissioner’s Dialogue on Protection Challenges is intended to take this initiative a step further. More specifically, it provides states, humanitarian organizations, development actors and experts with a forum in which to exchange their experience, share their ideas and agree upon the practical action that can be taken in providing solutions to the world’s five million long-term refugees and in ameliorating the conditions of those who are obliged to remain in exile.

5. This discussion paper, which should be read in tandem with the June 2008 Standing Committee paper, seeks to support those objectives by focusing the Dialogue’s attention on two closely related themes. The first part of the paper identifies the shared commitments that must be made if the international community is to develop a more effective response to the problem of protracted refugee situations. The second part focuses more specifically on the different strategies and solutions that are available in protracted refugee situations, examining the opportunities and constraints associated with each of them.

## **II. Shared commitments**

6. The 2008 meeting of the High Commissioner’s Dialogue brings together a large and diverse group of stakeholders, all of whom have a role to play in preventing, addressing and resolving protracted refugee situations. To capitalize on this unprecedented opportunity, UNHCR invites all participants to examine the shared commitments that are required of all members of the international community if those objectives are to be met.

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<sup>1</sup> *Protracted refugee situations*, EC/54/SC/CRP.14, June 2004. The paper defined a protracted refugee situation as one in which a refugee population of 25,000 persons or more has been living in exile for five years or longer in a developing country. The definition excludes Palestinian refugees who fall under the mandate of UNRWA and who are therefore not persons of concern to UNHCR.

<sup>2</sup> *Protracted refugee situations revisiting the problem*, EC/59/SC/CRP.13, June 2008. A separate document on these five situations will be made available to participants in the Dialogue.

### *A commitment to political action*

7. According to its Statute, UNHCR is “an entirely non-political” organization. The environment in which the Office works, however, is an intensely political one, characterized by competing interests and conflicting ideologies at the local, national, regional and global levels. Protracted refugee situations are usually created and sustained by the failure to resolve such differences in a peaceful manner and in a way that respects human rights.

8. UNHCR’s humanitarian activities can support the international community’s efforts to address the political causes and consequences of protracted refugee situations. In some situations, UNHCR’s neutral presence has facilitated contacts and negotiations between the parties to a conflict. Through its efforts to ensure the civilian character of refugee and displaced persons camps, the Office has been able to reduce the risk of military confrontations and thereby support peacemaking processes. Similarly, by means of its efforts to provide refugees with protection, assistance and solutions, UNHCR reduces the risk that they will become involved in destabilizing activities that obstruct the search for solutions.

9. At the same time, the functions of refugee protection and humanitarian action, vital as they are, can make only a very modest contribution to the prevention and resolution of conflicts that oblige people to live in exile for long periods of time. If those objectives are to be attained, political will and political action are required on the part of states, regional organizations and relevant components of the UN system, including the Security Council and General Assembly. In some instances, the deployment of peacekeeping forces may also be required, especially when early attempts at negotiation and mediation have proved unsuccessful.

10. UNHCR encourages participants in the Dialogue to examine the ways in which these stakeholders can make use of their considerable capacities to prevent and resolve protracted refugee situations. As stated in UNHCR’s June 2008 Standing Committee paper, “UNHCR and other humanitarian agencies are not the principal actors when it comes to ‘unlocking’ refugee situations that have persisted for years.”

### *A commitment to international solidarity and responsibility-sharing*

11. The vast majority of the world’s protracted refugee situations are to be found in developing countries, many of which are struggling to meet the basic needs and expectations of their own citizens. Within those countries, moreover, refugees are most frequently to be found in remote and sometimes unstable border areas that have limited economic activity, a weak infrastructure and a low level of development. The arrival and long-term presence of a refugee population can in some respects have a positive impact on such areas: creating new economic opportunities for host country nationals, providing improved community services to local populations, as well as attracting humanitarian, development and private sector resources that might otherwise not be available.

12. At the same time, it is evident that large and long-term refugee populations can place significant pressures on the local and national capacities of host states. The physical environment and ecology is often degraded by the presence of refugees. Government bodies are obliged to divert their attention and resources to refugee-related matters and may lose their most talented employees to higher-paying international organizations. While refugees bring their skills and abilities with them, they may also compete with the host population in local

markets, depressing wages and increasing prices. Countries that host refugees may also pay a political price for their hospitality, especially when the presence of an exiled population jeopardizes relations with the country of origin or has a negative impact on local security.

13. Those developing countries which are affected by protracted refugee situations cannot be expected to shoulder this responsibility alone, and should be able to expect appropriate levels of support from more prosperous states and the United Nations, in accordance with the principle of international solidarity and responsibility-sharing. Indeed, the entire refugee regime and the key elements of UNHCR's mandate - refugee protection and durable solutions - are highly dependent upon the international community's commitment to this principle. At a time when the global economy is in turmoil and many states are threatened with recession, it will be of particular importance for the Dialogue to examine how this commitment can be maintained.

*A commitment to consensus, cooperation and coordination*

14. Many different stakeholders have an interest in the effort to address and resolve the world's protracted refugee situations. They include countries of origin, asylum and resettlement; regional, international and non-governmental organizations; civil society institutions, local populations and, of course, refugees themselves.

15. In view of these realities, a commitment to consensus and cooperation is a *sine qua non* of any effort to address or resolve a protracted refugee situation. While complete unanimity of purpose or opinion amongst the different stakeholders is perhaps not a realistic objective, every effort must be made to forge a broad consensus among them and to ensure that all derive some benefit or advantage from the solutions that are to be pursued.

16. UNHCR's experience in South-East Asia and Central America during the 1980s demonstrated that Comprehensive Plans of Action (CPAs) can provide a valuable means of forging consensus and cooperation amongst key stakeholders at the local, regional and global levels. But they are no guarantee of success, as demonstrated by a more recent and largely unsuccessful attempt to establish a CPA for refugees from Somalia, a country that has lacked a functioning state apparatus for more than 15 years.

17. These contrasting outcomes raise some important questions. What preconditions must be met if a CPA is to meet its objective of resolving a protracted refugee situation? Can a CPA be effective if the country of origin continues to be in turmoil? What other mechanisms apart from CPAs ('Contact Groups', for example) might be employed to gain consensus and cooperation in relation to protracted refugee situations? Is there scope for regional and sub-regional organizations to play a greater role in this domain, in view of the fact that protracted refugee situations often involve a number of states?

18. Finally, effective coordination amongst international organizations, especially those that are members of the UN system, is a related commitment that must be met in addressing the problem of protracted refugee situations. While UNHCR has a unique mandate for refugee protection and solutions, the Office evidently does not have the competencies or capacities required to address the problem alone, especially in refugee and returnee situations where developmental approaches and resources are required. In this respect, recent steps in the direction of a more integrated approach amongst UN agencies, particularly the 'Delivering

as One' initiative, promise to generate some important new opportunities in the search for solutions to protracted refugee situations. The Dialogue is invited to examine these opportunities and to ascertain how the international community can capitalize upon them.

#### *A commitment to human rights*

19. The pursuit of solutions for long-term refugees must be grounded in respect for their human rights. Those rights are universal, applicable to both citizens and refugees, and reinforce the protection standards enshrined in international refugee law. The core principles underpinning the Universal Declaration of Human Rights (freedom, equality and non-discrimination) as well as its more specific provisions (the right to leave and return to one's own country, the right to seek and enjoy asylum in other countries, the right to a nationality) should shape both the context in which refugees are hosted, and the ways in which solutions are designed and implemented.

20. A shared commitment to human rights must be brought to bear at every stage of the displacement cycle. It goes without saying that the most effective means of averting the emergence of protracted refugee situations is to address the human rights violations that force people to leave their own country and to seek asylum in another state. If the international community's response to the problem of prolonged exile is to be truly comprehensive, it must be preventive as well as reactive.

21. Regrettably, some of the people who have been forced to flee by violations of their human rights may experience further violations of or restrictions to their rights once they have left their country of origin. In too many protracted refugee situations, exiled populations are unable to exercise freedom of movement. Some do not enjoy freedom of assembly or association and live under the arbitrary authority of government officials, security personnel and unrepresentative refugee leaders.

22. Most seriously of all, such refugees may be forced or induced to return to their country of origin against their will and in circumstances that threaten their safety and dignity. UNHCR considers it essential to eradicate such abuses, strengthening the protection and welfare of the world's long-term refugees while they are waiting for a solution to their plight.

23. The Office also wishes to emphasize the need for human rights to be upheld in the final phase of the displacement cycle. Refugees who have returned voluntarily to their country of origin, for example, cannot be deemed to have found a durable solution if their citizenship is not recognized, they are deprived of personal documentation or are subject to harassment or discrimination by the authorities. There is an equal need to up hold the rights of refugees who have benefited from the solutions of local integration and resettlement, ensuring that they are treated on an equal basis to other members of society and are not discriminated against on the basis of their original nationality, ethnicity, race or religion.

#### *A commitment to complementary solutions*

24. Protracted refugee populations are not homogenous. On one hand, they differ considerably from each other, as might be seen from a comparison of, for example, the refugees from Myanmar in Bangladesh, the Bosnian and Croatian refugees in Serbia and the Afghan refugees in the Islamic Republic of Iran and in Pakistan. In terms of their socio-economic profile, their diasporic connections, and, of course, their reasons for remaining in exile, these groups are very different.



25. Important differences are also often to be found within the same refugee population, the Burundians in the United Republic of Tanzania being a good case in point. While they may come from the same country of origin and live in the same country of asylum, these refugees can also be differentiated by factors such as their date of arrival in Tanzania, their location within the host country, the languages they speak, the way they identify themselves and the durable solutions available to them.

26. Given these circumstances, UNHCR considers that a ‘one size fits all’ approach to the problem of protracted refugee situations is likely to prove both ineffective and inequitable. An approach that is appropriate and viable for one refugee population or community may well be quite the wrong approach for another population or community. A diversified approach is required, using all of the different solutions and strategies available.

27. Those instruments and approaches are mutually reinforcing. As subsequent sections of this paper point out, one solution can facilitate another. Providing resettlement opportunities to some members of a long-term refugee population, for example, may assist in the task of promoting livelihoods and self-reliance for other members of that population. Similarly, if most members of a refugee population are able to find a solution by means of voluntary repatriation, resettlement may become a viable option for the much smaller number who, for one reason or another, are unable to return to their country of origin.

### **III. Voluntary repatriation and sustainable reintegration**

28. Voluntary repatriation represents the most viable solution for the majority of people who find themselves in protracted refugee situations. In 2007, for example, more than 730,000 of the world’s 9.9 million refugees returned voluntarily to their own countries.

29. As this statistic indicates, refugee returns often take place on a very large scale, especially in situations where dramatic shifts take place in the political and security landscape. Thus in 2002, for example, more than a million refugees, many of whom had been living in exile for 20 years or more, returned to Afghanistan in less than four months. In the last five years, the progress made by the Burundi peace process has allowed some 450,000 refugees to repatriate, some of whom left their country of origin as early as 1972.

30. In many protracted refugee situations, however, voluntary repatriation remains a long-term aspiration rather than a realistic and immediate prospect. As the example of Afghanistan also indicates, UNHCR and other humanitarian actors have little influence over the scale and pace of return to countries that are affected by long-term and complex crises.

31. Similarly, in situations where refugee movements have taken place as a result of political repression or systematic discrimination over a long period, or where a conflict has prompted major shifts in the ethnic composition of the country of origin, voluntary repatriation will only become a realistic prospect if there is real political will to tackle fundamental issues of citizenship, identity, exclusion and minority rights. While the international community can certainly encourage and support national efforts to address such issues, it cannot substitute for them.

32. Despite these hard realities, there are three key areas in which regional and international actors can seek to maximize the prospects for voluntary repatriation and sustainable reintegration as a durable solution to protracted refugee situations.

### *The pre-repatriation phase*

33. First, every effort must be made to support peacemaking, peacekeeping and peacebuilding initiatives in countries of origin which are affected by armed conflict and human rights violations, so as to create the conditions under which return and reintegration can eventually take place. In such contexts, UNHCR and other humanitarian actors have an important role to play in highlighting the negative impact of prolonged exile on the lives of refugees and the communities which host them in countries of asylum. It is vital that refugees and internally displaced people, especially women, are empowered to play an active role in peace processes, ensuring that their rights, needs and interests are taken into account in the course of negotiations and implementation of peace agreements.<sup>3</sup>

34. In situations where protracted refugee situations have been created and sustained by systematic discrimination or denial of the rights of citizenship to specific groups, countries of origin, with the support of the international community, should establish legal frameworks that restore the rights of minorities and returning refugees. To create conditions that are conducive to return and reintegration, activities can also be initiated at the national and local levels to support coexistence and reconciliation.

35. While UNHCR is most commonly associated with the organization of large-scale repatriation and reintegration programmes, the Office also has a role to play in countries and areas of origin where few if any returns are taking place. By means of monitoring activities and initiatives designed to support the development of national protection capacity, UNHCR can again encourage the development of conditions that are conducive to return and facilitate informed decision-making by refugees. By maintaining a continued presence in the pre-repatriation phase, UNHCR is also able to benefit from an ongoing relationship with national and local actors, enabling a rapid scaling-up of activities as soon as large-scale returns commence.

36. Measures can also be taken from the beginning of the displacement cycle to prepare and equip refugees for their eventual repatriation. Indeed, the foundations for voluntary return and sustainable reintegration are laid during exile.

37. People who have benefited from education, skills training and livelihood opportunities during their time as refugees, and who have been able to attain a degree of self-reliance while living in a country of asylum, retain their hope in the future and are better placed to create and take advantage of new economic opportunities after their return. While living in exile, long-term refugees also have an ideal opportunity to acquire valuable skills in areas such as leadership, advocacy, mediation and conflict resolution, which will again enable them to contribute to the rebuilding of their communities once return becomes possible.

### *The voluntary repatriation process*

38. Second, when conditions that are conducive to return begin to emerge, every effort should be made to ensure that the voluntary repatriation process is designed in a way that empowers refugees and ensures the full and continued protection of their rights. The real drivers of the return and reintegration process are refugees themselves, who, when they consider the conditions to be right, will generally ‘vote with their feet’ by going back to their country of origin.

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<sup>3</sup> See Security Council resolution no. 1325 of 2000, and no. 1820 of 2008.

39. Scrupulous respect for the principle of voluntary return in safety and dignity not only protects refugees from *refoulement* but also contributes to sustainable reintegration and the peacebuilding process in countries of origin. Conversely, refugees who repatriate prematurely and precipitously as a result of push factors in their country of asylum are much more likely to end up in makeshift settlements, to return to their country of asylum or to become irregular migrants. Involuntary returns can also act as a destabilizing factor in countries of origin, prompting renewed tension and even violence.

40. It has also become clear that when education, health, social and community services are rapidly dismantled in an effort to promote repatriation, the immediate consequence may well be an increase in levels of sexual and gender based violence, teenage pregnancies and anti-social behaviour. In this respect, it is essential to ensure that a vigorous search for solutions to protracted refugee situations does not undermine the fundamental task of refugee protection.

41. To maximize the positive outcomes of voluntary repatriation programmes, the rights of refugees should be set out in Tripartite Agreements which define the roles and responsibilities of the country of asylum, the country of origin and UNHCR. Special attention should be paid to refugees with special needs, who may require particular forms of assistance both during and after their voluntary repatriation.

42. The design of voluntary repatriation programmes should also capitalize upon the existing capacities and assets of returnees. Every effort should be made to enable the transfer of any moveable assets they possess, including animals, household furniture and other property. In certain circumstances, return and reintegration support may take the form of cash grants, which have proven to be a cost-effective way of maximizing refugee agency and choice.

#### *Reintegration after return*

43. Third, there is an evident need for sustained support to be given to the reintegration process, especially (as is usually the case in protracted refugee situations) when the country of origin has been devastated by years of armed conflict, poor governance and economic decline. In such circumstances, sustaining the momentum of a large-scale voluntary repatriation movement requires early interventions that have a tangible impact on the ability of returnees, local populations and internally displaced people to rebuild their lives and communities. Indeed, the reestablishment of public services and the reconstruction of infrastructure should ideally commence in the pre-return phase, thereby creating conditions that are conducive to voluntary repatriation.

44. The Afghanistan experience has highlighted the complexity of the repatriation and reintegration process, which has proven to be a much more sustained and complex challenge than initially anticipated. After an initial surge of returns, the scale of repatriation dropped dramatically, owing in large part to the slow pace of political, economic and social progress and a significant downturn in the security situation. These factors, coupled with the transformative experience of more than 20 years spent in exile, rapid population growth amongst the refugee population and the impact of international and regional geopolitics, underpin the continued presence of some 2.7 million Afghans in Pakistan and the Islamic Republic of Iran today.

45. This experience underlines the fact that voluntary repatriation and sustainable reintegration are much more than a simple reversal of displacement, but are fundamentally linked to the ability of the country of origin to provide returning refugees, displaced persons and other citizens with security, stability and development. In practice, of course, the capacity of national authorities is often weak and has limited geographical reach.

46. Refugees frequently return to marginal, isolated and chronically poor areas in which basic services such as water, sanitation, education and primary health care are scarce or non-existent. Many end up in towns and cities, partly because they have been effectively urbanized by years of life in large refugee camps, partly because they do not have access to land in rural areas, but also because cities, tough and overcrowded as they may be, nevertheless offer better opportunities to eke out a living.

47. The initial investments made by UNHCR and its partners in the provision of such services can play a crucial role in encouraging returns and kick-starting the reintegration process. However, such short-term inputs are of limited value unless returnee-populated areas are effectively incorporated into national reconstruction programmes, as is the case with the Afghan National Development Strategy. Similarly, the best efforts of humanitarian and development actors will come to naught unless they are supported by the restoration of national protection capacity in areas such as minority rights, land and property restitution and personal documentation.

48. In Burundi, for example, some of refugees from the '1972 caseload' who have repatriated in recent times are confronted with difficulties in accessing land. This has also emerged as a key challenge in Afghanistan, which the government has tried to address, with international support, through land allocation schemes. The restoration of occupancy and tenancy rights has also proven to be a major obstacle to voluntary repatriation and sustainable reintegration in Croatia. It has also obstructed other solutions such as local integration in countries of asylum, as refugees are unwilling to undergo naturalization lest they lose their property rights in their country of origin.

49. The process of sustainable reintegration lies at the intersection between humanitarian relief and development assistance, an area in which the international community's involvement has hitherto been highly dysfunctional. Indeed, the gap between the two forms of support has been recognized for at least 15 years but still has not been bridged. A lack of consistent partnership between humanitarian and development agencies, different planning cycles and working methods, as well as artificial distinctions between humanitarian and development budget lines have combined to inhibit effective collaborative action in post-conflict reintegration and recovery.

50. This may be changing. There is an increasing awareness on the part of all stakeholders concerning the need for more coherent partnerships and flexible funding instruments. The establishment of integrated UN missions which link humanitarian, human rights, development, political and security support to the peacebuilding process has already demonstrated some potential in countries such as Liberia and Sierra Leone.

51. Further indications of progress are to be seen in the 'Delivering as One' initiative and the humanitarian reform process, including the establishment of an Early Recovery Cluster. The establishment of the Peacebuilding Commission, Peacebuilding Support Office and Peacebuilding Fund provide additional opportunities to marshal resources and to formulate integrated strategies for post-conflict reintegration and recovery in war-torn societies.

52. New funding mechanisms, including transitional budget lines, pooled funding, country-specific recovery funds and multi-donor trust funds all have the potential to promote the process of sustainable reintegration for refugees, displaced persons and other affected populations. Every effort must now be made to ensure that such innovations have a tangible impact on the quality of life and the sustainability of reintegration in areas to which those people are returning.

#### **IV. Strategies and solutions in countries of asylum**

53. In the 1980s and 1990s, the predominant response to large-scale refugee influxes in developing countries was the establishment of ‘care and maintenance’ programmes. According to this model, refugees were admitted to host countries, usually on a group and *prima facie* basis, and housed in camps on land provided by the authorities.

54. In a reciprocal gesture, the international community, primarily in the form of donor states, UNHCR and its operational partners, provided the refugee with basic needs such as shelter, food, domestic items, primary education and health care. In this way, it was thought, exiled populations would be able to receive adequate levels of protection and assistance until the time when the causes of flight were eradicated and the refugees were able to return to their country of origin.

55. In a number of respects, the care and maintenance model attained its objectives, in the sense that it secured asylum and protection for millions of refugees, enabled them to survive, to keep their communities together and to have access to essential services, such as education and health care. In some cases, it also provided refugees with an opportunity to establish livelihoods, to become self-reliant and to learn skills that would assist them to re-establish their lives once repatriation became possible.

56. With the benefit of hindsight, however, it is clear that this model was also flawed in several ways. In many cases, armed conflicts persisted and the causes of flight were not eradicated. Refugees were left to live in camps indefinitely, often with restrictions placed on their rights, as well as their ability to support themselves by means of agriculture, trade or employment. Confronted with the need to respond to a spate of new emergencies, donor states became disinterested in and disenchanted with such care and maintenance programmes, which were expensive to implement but which brought few longer-term benefits to refugees, local populations or the host state.

57. As attention and funding declined, so did the standard of services and the quality of life available in the camps. And as the quality of life deteriorated, the refugee populations concerned were affected by a growing number of social and political problems: high levels of survival sex and other negative coping mechanisms; sexual and gender based violence; conflicts within the refugee community and between refugees and local populations, onward movements to other countries and growing vulnerability to trafficking; as well as the politicization and militarization of camps. As a result of these problems, refugees were in some situations seen as a threat to local and even national stability, a perception that led to additional infringements of refugee rights, including, in some instances, violations of the *non-refoulement* principle.

58. In recent years, there has been a new recognition of the fact that refugee situations usually persist for much longer than expected, that voluntary repatriation is often rendered impossible by continuing conflicts in countries of origin, and that the number of refugees who can benefit from resettlement in a third country is usually very limited.

59. These factors have prompted a new emphasis on strategies and solutions in countries of asylum. UNHCR, for example, has taken a number of steps to move away from the care and maintenance model, including, for example, the formulation of the DAR (Development Assistance for Refugees) approach, the introduction of the Strengthening Protection Capacities Project, the establishment of the Women Leading for Livelihoods programme and, most recently, the High Commissioner's Special Initiative on Protracted Refugee Situations. The Dialogue provides an ideal opportunity to take stock of recent experience and to reassess the strategies that might be pursued to ameliorate and resolve the plight of refugees in countries of asylum

### *Livelihoods and self-reliance*

60. When they arrive in a country of asylum, refugees bring their knowledge, skills, qualifications and life experiences with them. As well as this social capital, some also bring valuable productive assets, such as tools, transportation and working animals. Increasingly, moreover, refugees are connected to diaspora communities in other parts of the world and receive significant sums of money from them in the form of remittances.

61. UNHCR considers it essential to capitalize upon these assets, to support the efforts that refugees invariably make to establish their own livelihoods and to enable them to become self-reliant. As recognized by the Agenda for Protection, this strategy has a number of important advantages. It enables refugees to contribute to the economic life of the countries and communities in which they live. It reduces the need for long-term and costly international relief programmes. It promotes positive interaction between refugees and their local hosts and averts the protection problems, including sexual and economic exploitation, that plague many protracted refugee situations.

62. Last but by no means least, it enables refugees to maintain their dignity, to make use of their talents and to prepare them for a durable solution, wherever that might be. As UNHCR has observed elsewhere, "self-reliance is not in itself a durable solution but can be a precursor to any one of the three durable solutions. Even in situations where local integration does not appear to be a viable solution for a refugee population, self-reliance should be vigorously pursued as it does not preclude eventual voluntary repatriation but rather facilitates sustainable reintegration."<sup>4</sup> As the Executive Committee has also recognized, "promoting the self-reliance of refugees from the outset... will enhance the sustainability of any future durable solution."<sup>5</sup>

63. While the notion of refugee self-reliance has important cultural and social dimensions, it is primarily an economic concept, rooted in the principle that exiled populations should be able to meet a progressively greater proportion of their own needs and enjoy a steadily growing level of prosperity and human security. Sadly, few of the world's protracted refugee situations can currently be characterized in this manner.

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<sup>4</sup> *Local integration and self-reliance*, EC/55/SC/CRP.15, June 2005.

<sup>5</sup> Executive Committee Conclusion no. 104, 2005.

64. UNHCR considers that if this situation is to be changed, a number of basic principles will have to be observed in the implementation of livelihoods and self-reliance activities. First and foremost, they must be firmly underpinned by measures to enable long-term refugees to exercise their rights and freedoms. One cannot expect exiled populations to establish sustainable livelihoods and become self-reliant in a context where they are unable to leave their camps, find a job, establish a business or have access to agricultural land, and are obliged to eke out a living in dangerous informal sector activities. In a year when the international community is commemorating the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, there is a need to give real meaning to Article 14 of that Declaration, which refers to the right to “seek and *enjoy* asylum” in other countries.

65. Second, such activities must be diverse in nature, recognizing that a growing proportion of the world’s refugees do not come from an agricultural background. They might include, for example, grants and loans to kick-start income-generating activities, as well as training packages to support small business start-ups; secondary education, vocational training and technical education; labour-based projects such as cash or food for work on infrastructural projects; inputs for the productive and sustainable use of natural resources, including land, seeds, tools, livestock, fishing and bee-keeping equipment; as well as the provision of social services such as child care, so as to support women in their efforts to establish independent livelihoods. With the growing proportion of refugees who are to be found in urban areas, greater attention will also have to be given to the livelihoods of long-term exiles in towns and cities.

66. Third, self-reliance programmes must be based on careful socio-economic and AGDM (Age, Gender and Diversity Mainstreaming) analysis, undertaken with the purpose of gaining a better understanding of the refugee population, the host community and local market dynamics. In accordance with this principle, such programmes should be area-based (both rural and urban) rather than being targeted solely at refugee populations. It is also essential for development actors to be involved in the formulation and implementation of such programmes, given the limited expertise of UNHCR and many other humanitarian organizations in this area.

67. Finally, UNHCR considers it essential for such livelihood activities and self-reliance programmes to have the political support of the host country and the material support of the international community. Only with appropriate levels of funding, and only by being incorporated into local, regional and national development planning processes, can such initiatives be expected to fulfil their potential.

68. Based on the principles outlined above, the High Commissioner’s Special Initiative on Protracted Refugee Situations is paying particular attention to the promotion of livelihoods and self-reliance. In eastern Sudan, for example, UNHCR has agreed with the authorities to make immediate efforts to improve living conditions and livelihoods opportunities for refugees, a task that has included a comprehensive verification and registration exercise. The data gathered in this way, combined with some planned profiling initiatives and socio-economic surveys, will be used to design a multi-year durable solutions plan that will facilitate access to self-reliance activities and enable refugees to make better use of their knowledge and skills. Similarly in Bangladesh, current efforts to improve conditions in the refugee camps include a particular focus on livelihoods, based on a joint ILO-UNHCR livelihoods assessment. The ultimate objective is to phase out the longstanding assistance programme for that population.

### *Local integration*

69. In simple terms, local integration can be defined as a process whereby refugees establish increasingly closer social and economic links with their host society and are granted a progressively wider range of rights and entitlements by their country of asylum, including the acquisition of permanent residence rights and, ultimately, citizenship. It therefore includes, but goes beyond, the establishment of refugee livelihoods and the attainment of self-reliance.

70. As a durable solution for refugees, local integration is rooted in the 1951 UN Refugee Convention, which calls on states to facilitate the naturalization of refugees. It has been endorsed by UNHCR's Executive Committee<sup>6</sup> and also featured in the Agenda for Protection, which referred to local integration as having a "proper place as part of a comprehensive strategy for durable solutions."

71. UNHCR continues to support this statement, while acknowledging that some refugee-hosting states have reservations about the use of this durable solution to resolve protracted refugee situations. According to this perspective, developing countries already shoulder a disproportionate share of the global refugee burden, a situation exacerbated by the limited extent to which they have benefited from international cooperation and responsibility-sharing. The local integration of protracted refugee populations would not only entrench such inequities, but would also place unbearable pressures on the economy, society and security of refugee-hosting states.

72. Responding to this perspective, some commentators have concluded that local integration has become a "forgotten solution" or a "non-solution" which may have been employed in the past but which is now rarely put into practice. The evidence, however, tells a somewhat different story. According to a new study published by UNHCR, successful and recent instances of local integration can be found throughout the world.<sup>7</sup>

73. A particularly good example is to be found in Tanzania, where the authorities have generously offered local integration, including naturalization and citizenship, to the majority of Burundian refugees who fled their country of origin in 1972, who have attained self-reliance and who wish to remain in Tanzania. More than 175,000 refugees stand to benefit from this programme, while many other Burundian refugees have opted to repatriate.

74. Another example is to be found in West Africa, where seven ECOWAS members are participating in an initiative promoting the transition of those Liberian and Sierra Leonean refugees who have not repatriated to an alternative and secure legal status, in conjunction with integration support. And as reported in this year's Note on International Protection, agreements made between UNHCR and a network of 25 cities in seven Latin American countries "provide for the incorporation of refugees into social programmes and their eventual local integration" in the broader framework of the Mexico Plan of Action.<sup>8</sup>

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<sup>6</sup> Executive Committee Conclusion no. 104, 2005.

<sup>7</sup> *Local integration: an under-reported solution to protracted refugee situations*, New Issues in Refugee Research, Research Paper no. 158, June 2008.

<sup>8</sup> *Note on International Protection*, A/AC.96/1053, June 2008.



75. Drawing upon the preceding analysis, it is possible to present six key (and non-exhaustive) propositions in relation to local integration and protracted refugee situations that are consistent with Executive Committee Conclusion 104 and which will hopefully facilitate the Dialogue's discussion of this issue.

- (i) The full consent of the host state and society is an indispensable precondition for the successful implementation of local integration initiatives.
- (ii) In accordance with the principle of international cooperation and responsibility-sharing, the international community should provide appropriate and adequate support to countries of asylum that are willing to offer local integration, including naturalization and citizenship, to refugee populations.
- (iii) In any protracted refugee situation, local integration initiatives must form part of a comprehensive strategy that involves and is linked to the pursuit of other solutions, including voluntary repatriation and/or resettlement.
- (iv) Local integration is most likely to be an appropriate solution in protracted situations where refugees have the opportunity to become self-reliant and have an established affinity with the host community.
- (v) Particular efforts should be made to facilitate the local integration of refugees who have established close family or community links with their country of asylum, who because of the traumatic nature of their flight are unable to repatriate, or who were born in their country of asylum and might otherwise become stateless.
- (vi) Refugees who are offered the prospect of local integration must understand and respect the obligations which they assume in relation to their country of asylum, conform to its laws and adapt to its way of life.

## **V. The strategic use of resettlement**

76. The resettlement of refugees from their country of first asylum to a third country which has agreed to admit and grant them with residence rights has historically been used to avert and resolve protracted refugee situations. This was the case, for example, in respect to refugees in post-war Europe, to those who fled the Hungarian crisis in 1956 and to refugees from Indo-China in the 1970s and 1980s.

77. In recent years, however, resettlement programmes of this size and scale have generally not been established, largely because the post-war, Hungarian and Indo-Chinese resettlement programmes were closely associated with the particular and time-bound geopolitics of the Cold War era. Since the demise of the bipolar world, there has been a broad international consensus that voluntary repatriation usually represents a more viable and cost-effective solution to protracted refugee situations. Resettlement, by way of contrast, has been constrained by a number of factors, including the limited number of resettlement places available, the costs involved in processing, transporting and providing integration assistance to resettled refugees, and the limited progress that has been made with the resettlement of refugees in their regions of origin.

78. In such circumstances, it seems unlikely that a large proportion of the world's long-term refugees will benefit from this solution. Even so, UNHCR considers that resettlement continues to play a vital role in addressing the problem of protracted refugee situations. Resettlement resolves the plight of refugees who would otherwise have to remain in exile. It reduces the burden on refugee-hosting countries, adds to the vitality and diversity of receiving countries and helps to give visibility and a 'human face' to the global refugee issue in those states. Resettlement also represents a very tangible manifestation of international solidarity and responsibility-sharing, and thus underpins the entire regime for refugee protection and solutions.

79. Based on these considerations, UNHCR, states and other stakeholders have in recent years focused on what has become known as 'the strategic use of resettlement'. This approach was confirmed by the Agenda for Protection, a document endorsed by UNHCR's Executive Committee and welcomed by the UN General Assembly in 2002. The following year, it was formally defined by the Working Group on Resettlement as "the planned use of resettlement in a manner that maximizes the benefits, directly or indirectly, other than those received by the refugees being resettled. Those benefits may accrue to other refugees, the hosting state, other states or the international protection regime in general."

80. In practical terms, this means that resettlement should be employed not only as a means of providing protection and a durable solution for individuals and groups of refugees, but should also be used to maintain and expand the asylum space in refugee-hosting countries, to enhance the quality of that space in terms of the protection and living conditions experienced by refugees, and to support the search for other strategies and solutions such as voluntary repatriation, self-reliance, local settlement and integration.

81. In support of this approach, UNHCR has in recent years taken a variety of steps to strengthen the organization's resettlement capacity and to give greater visibility to this durable solution. Resettlement criteria, processes and procedures have been strengthened. The 'group resettlement' methodology, which is of particular relevance to protracted refugee situations, has been elaborated. New efforts have been made to ascertain whether resettlement will yield strategic benefits in given situations and to assess the number of refugees around the world who are in need of this solution.

#### *Results of the strategic approach*

82. These efforts have had some positive results. As the High Commissioner reported to the Executive Committee in October 2008, "the number of resettlement submissions made by UNHCR in 2007 rose to almost 100,000, an increase of more than 80 per cent when compared to 2006. The global number of resettlement departures in the first half of 2008 was 50 per cent higher than in the same period the previous year. We have already referred more Iraqi refugees for resettlement this year than in the whole of 2007. And new resettlement countries are emerging."

83. The strategic use of resettlement has proved its worth in a number of situations, enhancing the protection of refugees remaining in the host country, averting the *refoulement* of new arrivals, ensuring that UNHCR has access to refugees and asylum seekers in detention and facilitating the granting of residence permits to refugees.

84. The strategic use of resettlement has also contributed to UNHCR's efforts to promote other durable solutions. An interesting example is to be found in India, where the resettlement of the country's longstanding Afghan refugee population paved the way for the naturalization and local integration of other Afghan refugees of Hindu or Sikh origin. Another example can be seen in the ongoing resettlement of camp-based Burundian refugees in Tanzania, a programme that has supported the government's efforts to address the country's refugee situation in a comprehensive manner, involving the local integration and voluntary repatriation of the remaining Burundian population.

85. Since 2005, concerted efforts have also been made to resolve the situation of over 100,000 Bhutanese in Nepal, the vast majority of whom arrived between 1990 and 1993. It is hoped that the strategic use of resettlement for some of those refugees will open up possibilities for the voluntary repatriation and local integration of the others. Elsewhere in Asia, the resettlement of some of the refugees from Myanmar in Thailand (more than 30,000 have departed since 2005) is supporting UNHCR's efforts to secure improved protection, assistance and living conditions for the 120,000 who are still in camps.

#### *Maximizing the potential of resettlement*

86. To ensure that resettlement plays its full role in the search for solutions to protracted refugee situations, UNHCR invites participants in the Dialogue to consider a number of issues.

87. First, restrictive selection criteria and lengthy processing times can undermine the strategic use of resettlement. UNHCR is consequently encouraging resettlement countries to broaden those criteria, based on international protection needs, and to enhance the predictability and flexibility of resettlement by means of multi-year planning. Progress in these areas would relieve some of the pressure placed on developing countries with large and longstanding refugee populations and would reassure them of the international community's commitment to responsibility sharing.

88. Second, there is a need to examine the dilemmas that can occur when resettlement opportunities are offered in parallel with efforts to facilitate the voluntary repatriation or local integration of a refugee population. There is evidence to suggest that some refugees may reject the latter solutions if they consider that by doing so they will enhance their chances of resettlement. Other refugees may engage in irregular onward movements if they do not have access to resettlement opportunities in their country of first asylum but can find such opportunities in neighbouring or nearby states. The Dialogue might consider whether resettlement programmes could be structured in such a way as to avert or at least minimize such difficulties.

89. Third, while resettlement provides a vital opportunity for some refugees to escape from protracted refugee situations and to begin a new life elsewhere, it may also have implications for those who are not resettled. This is particularly likely to be the case if the resettled refugees include those who are the most educated and skilled members of the community. In this respect, there is a need to ascertain how refugee resettlement programmes can be combined with efforts to empower the remaining refugee communities, their ability to organize self-help activities and their capacity to articulate their interests and concerns.

90. Fourth and finally, while the number of resettlement countries is increasing, the majority of refugees who benefit from this solution are admitted by a group of 20 states. The planned intake of those states does not match current needs, and the gap between the number of refugees in need of resettlement and the number of places available seems likely to grow. The Dialogue is invited to examine this issue and to make practical proposals with respect to the measures that might be taken to strengthen and expand the strategic use of resettlement.

## **VI. Migration options**

91. The durable solutions discourse has traditionally focused on the three issues examined in preceding sections of this paper: voluntary repatriation, self-reliance and local integration, and third country resettlement. In recent times, however, some new ideas have emerged in relation to the possibility that long-term refugees might be able to find either an interim or durable solution to their plight by attaining a secure legal status as migrants, either in their country of first asylum, a nearby state or another part of the world. Indeed, this issue was raised in the background paper prepared for the 2007 meeting of the High Commissioner's Dialogue.

92. These ideas derive from a recognition that we live in an increasingly globalized and mobile world, in which growing numbers of people live and work outside their homeland and maintain attachments to more than one society and state. The traditional trinity of solutions, it can be argued, does not take full account of these contemporary realities.

93. There are two principal contexts in which this approach to protracted refugee situations could be applicable. First, there may be individuals or groups of long-term refugees who have skills and capacities that, for one reason or another, they are unable to use in their country of asylum but for which there is a demand in other states.

94. Refugees in such situations could perhaps be admitted to the migrant worker and immigration programmes maintained by states that are unable to meet their own labour market needs. Many of these programmes, it should be noted, also offer opportunities for long-term residence and naturalization, and thus offer the prospect of a durable solution as well as an interim one. Such an outcome (which should be distinguished from the more conventional notion of refugee resettlement) would be infinitely preferable to the scenario whereby refugees move from their country of asylum in an irregular and unsafe manner in order to access employment opportunities in other states.

95. Second, there might be circumstances in which the causes of flight in a country of origin have been eradicated and the cessation clause applied, and yet some of the refugees concerned do not wish to return to their country of origin, usually because they have found a niche in the local economy, and because they have little prospect of finding comparable opportunities in their homeland.

96. In situations such as this, former refugees could usefully be given a secure and legal migrant status. As well as enabling them to remain in their country of asylum and to contribute to its economy, such an arrangement would avert the destabilizing consequences that might ensue if significant numbers of people were obliged to return to countries of origin characterized by high levels of unemployment and impoverishment. In situations such as this, the search for solutions might be facilitated by regional mobility agreements such as the

ECOWAS Protocol on the Free Movement of Persons, which, in simple terms, gives the citizens of member states the right to enter, reside and establish economic activities in the territory of other member states.

97. Despite their apparent advantages, the migration options outlined above are not without their difficulties. UNHCR is particularly concerned to ensure that people who are in continued need of international protection are regarded as refugees, with all of the rights, entitlements and obligations associated with that status. It would be a matter of grave concern if refugees were to become or be treated as migrant workers, in which case they might lose the essential protection of the *non-refoulement* principle and other provisions of international refugee law, including that of family unity.

## VII. Conclusion

98. While refugee numbers may have shown a generally downward trend over the past decade, there is no guarantee that this will continue into the future. Moreover, unless there is a speedy resolution to the Iraqi refugee situation, the number and proportion of the world's refugees who find themselves in protracted situations will increase significantly.

99. It is essential to recognize the generosity which countries of asylum, the vast majority of them in the developing world, have demonstrated in hosting these long-term refugees. It is equally essential to acknowledge that the 1951 Convention and the refugee protection regime is predicated on the notion that states should address the refugee issue in a collective manner, sharing the responsibilities and balancing the burdens.

100. At the moment, that arrangement is a fragile one. As the Assistant High Commissioner (Protection) observed at the last Executive Committee meeting, "countries in regions of origin protest that they cannot be expected to admit massive numbers of refugees to whom they become legally obligated on the basis of no more than discretionary grants which ebb and flow with political, budgetary and other considerations."

101. Participants in the Dialogue are invited to undertake a fundamental reappraisal of the way in which the international community responds to protracted refugee situations.

102. What can be done at the earliest stage of a refugee emergency, for example, to avert the need for long-term care and maintenance programmes? Is the problem of protracted refugee situations being adequately addressed in the process of UN and humanitarian reform? Would a reappraisal of the traditional (and arguably artificial) distinction between humanitarian and development funding make it any easier to find durable solutions for the world's long-term refugees? Given the evidence that few refugee situations are resolved quickly and that many become protracted, could refugee programmes be organized on a multi-year basis, supported by longer-term donor state commitments? And however beneficial such long-term commitments might be, are they a realistic objective in the current financial environment?

103. By addressing such questions, the Dialogue will offer a significant service to the millions of people who in protracted refugee situations, as well as the countries and communities most seriously affected by their presence.