

MODULE 9

DURABLE SOLUTIONS



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Summary

This module provides **a foundation** level of knowledge **on durable solutions** and an explanation of why **the search for solutions** is such **a fundamental aspect of the refugee protection experience**.

Through a series of exercises, this module aims to show the potential for humanitarian actors to pursue **appropriate durable solutions** as part of their protection and assistance work. Durable solutions are such a fundamental aspect of refugee protection that it is recommended not to omit this module from the training programme. After a presentation on durable solutions and a group exercise, there are four optional exercises. The trainer should select **an appropriate option using the context** where the training is taking place to guide their decision. Two of the options are role plays designed to build on the **meeting role play in Module 7**.

Learning Objectives

By the end of this session, participants will be able to:

- Identify the three types of durable solutions;
- Recognise the close link between refugee protection and durable solutions;
- Appreciate the importance of refugee participation and provision of information when deciding on a solution.

Key Messages

- The ultimate objective of refugee protection is to seek durable solutions to the problem of people being forced to flee from their homes and to cross an international border;
- Voluntary repatriation, local integration, and resettlement are the three durable solutions;
- Each of the three durable solutions should only take place on a voluntary basis. Imposed solutions are not durable solutions;
- Certain human rights situations, humanitarian crises, and political and economic constraints may limit a refugee's ability to find a durable solution. It is well established that it can take years before it is safe for refugees to return home when they have been forced to flee from countries where there are conflicts and serious human rights violations;
- Refugees should neither be forced to return to their country of origin nor be prevented from doing so. In cases of voluntary, spontaneous return, every effort should be made to provide accurate information on whether return is safe so that an informed choice can be made;
- Those working with refugees and providing protection should be alert to situations where refugees are pushed or pulled towards one durable solution or another through coercive measures. Incentives for return may themselves be coercive.

Preparation

- **Select the appropriate optional activity** depending on **the context** you are working in;
- **Prepare some suitable examples** to illustrate the presentation based on current refugee repatriation, resettlement, and integration situations where the training is taking place;
- **Check the “Protecting refugees/‘Convention Plus’ news”** section of the **UNHCR website** for updates on resettlement.

Module 9 Breakdown			
Timing		Method	Resources needed
Activity 1 - Presentation	40'	Presentation	Module9.ppt
Activity 2 - Exercise	50'	Boringia case study	Handout 1 - Boringia Case Study 1: Voluntary Repatriation
Optional Activity 1	45'	Role play	Handout 2 - Boringia Case Study 2: Local Integration
Optional Activity 2	30'	Group exercise	Trainer Guidance 1 - Possible Group Feedback
Optional Activity 3	65'	Role play	Handout 3 - Optional Activity 3: Chakamakan Scenario
Total: 90 minutes (without any optional activity)			Handout 4 - Optional Activity 3: Role 1
			Handout 5 - Optional Activity 3: Role 2
			Handout 6 - Optional Activity 3: Role 3
			Handout 7 - Optional Activity 3: Role 4
			Flip charts with prepared questions

Source

- *Refugee Resettlement: An International Handbook to Guide Reception and Integration*, Office of the United Nations High Commissioner for Refugees, Geneva 2002

Activity 1 - Presentation on Durable Solutions and Resettlement			
Timing		Method	Resources needed
Durable solutions and resettlement	40'	Presentation	Module9.ppt
Total: 40 minutes			

Note to trainer

- ✓ *Illustrate the presentation with actual field situations and ask participants to provide examples from their context that illustrate the key points.*
- ✓ *Refer participants to “Solutions” in Protecting Refugees: A Field Guide for NGOs.*

It is important to emphasise that:

- ✓ *The pursuit of durable solutions is key to resolving refugee crises.*
- ✓ *Refugee protection standards relating to durable solutions are based on the premise that those in need of international protection have a right to be given protection until such time as they are no longer in need of international protection.*
- ✓ *Durable solutions are part of the international response to ensure solutions to refugee problems that are based on refugee protection standards.*

Presentation of the slides (40 minutes)

Slide 1: Durable solutions

Slide 2: Objectives

- Identify the three types of durable solutions;
- Recognise the close link between refugee protection and durable solutions;
- Appreciate the importance of refugee participation and provision of information when deciding on a solution.

Slide 3: Overview

International protection is a temporary substitute for the normal safeguards of national protection in one’s country of origin.

International protection includes seeking longer-term, durable solutions for refugee protection. In fact, all protection-oriented programming should take into account the preferred durable solution for the refugee population under consideration.

Unless interventions support the eventual attainment of a durable solution, they are not enhancing the long-term protection situation for the population.

The three durable solutions are voluntary repatriation, local integration, and resettlement. The choice of solution is inextricably linked to the reasons for flight, as this will provide key indicators of the prospect for a durable solution to succeed.

Often, **a combination of durable solutions** will be necessary for a refugee population, as each refugee’s sex, race, time of flight, community of origin, and particular reasons for flight will have implications for the suitability of each of the three durable solutions for that person.

Slide 4: Durable solutions

Voluntary repatriation means that, after reviewing all available information about conditions in their country of origin, refugees decide freely to return home. This may be an organised or a spontaneous repatriation. In all cases, return must be voluntary. **Voluntary repatriation is promoted as the preferred durable solution, both for refugees and for the international community, but certain essential conditions must be met.**

Local integration happens when refugees settle permanently in the country of asylum, and this requires the existence of a whole host of circumstances to heighten their prospect of integrating fully in the host state.

Resettlement to a third country happens as part of the international community's effort to share responsibility for refugees so that any one country is not hosting or integrating a disproportionate number of refugees. Resettlement as a solution is often referred to in relation to "burden-sharing" arrangements.

Although it is difficult to make a case for a right to a particular durable solution, the concept of solutions has a legal basis in the 1951 Refugee Convention in the sense that they each constitute points at which international protection ceases and national protection is resumed: voluntary re-availment of the protection of the country of origin, acquisition of the rights and obligations of a national of the country of integration or resettlement, or naturalisation.

Slide 5: Refugees cease to be refugees

Refugees become refugees because they no longer enjoy protection in their country of origin and are forced to flee to escape persecution for a Convention reason or serious human rights violations. It is expected that, when the reasons for flight no longer exist, and when refugees can **return home in safety and dignity**, that they will again benefit from national protection.

However, whilst **a durable and fundamental change in a country of origin**, such as a cessation of conflict or a restoration of respect for human rights, may make this possible for some refugees, others will still not be able to return and enjoy national protection. It is important to ensure that those who cannot reasonably be expected to return to their country of origin are given the opportunity to seek another durable solution, such as local integration or resettlement.

Examples might be: those who fled for reasons other than the conflict (victims of gender-based persecution might fall within this category), or those who took part in the conflict at some point and may therefore be persecuted upon their return.

Refugees that are **resettled in a third country**, or **integrate and remain in the host country**, will sometimes **take on the respective nationality or permanent-residency status**.

Slide 6: Voluntary repatriation – Fundamental principles

Voluntary repatriation means that, after reviewing all available information about conditions in their country of origin, refugees decide FREELY to return home.

Refugees must be able to return in safety and dignity. Over the years of experience of voluntary repatriation, these concepts of safety and dignity have developed a specific meaning.

Returning in safety means that refugees return in conditions of legal safety (for example, if an amnesty has been granted or if there are public assurances of personal safety, integrity, non-discrimination, and freedom from fear of persecution). It also includes physical security (against risks from armed attack and from land mines and unexploded ordnance) and material security (which includes access to land or a means of livelihood).

Returning with dignity means that refugees will not be manhandled in the process of return; returning is unconditional; and if returning spontaneously, they can do so at their own pace; that they are not arbitrarily separated from family members; and they are treated with respect by national authorities, and their rights are fully restored.

In reality, repatriation often happens under a **tripartite agreement** between the country of origin, the country of asylum, and the UNHCR (and sometimes with the involvement of the International Organisation for Migration), and the initial step is to ensure that these vital conditions of voluntariness, safety, and dignity can be met.

Organisations working on the ground should **be alert to any abuses of these principles**, as less than voluntary return that is not in safety and dignity would be a violation of the principle of *non-refoulement*. There are strict guidelines for the essential preconditions that must be met.

Slide 7: What can the RC/RC and NGOs do?

If there is a return that is not voluntary and not in safety and dignity, they should raise concerns with the UNHCR or other authorities.

Recall that the country of origin is responsible for the protection of returnees, but the UNHCR and NGOs should monitor this closely.

Recall that return is to be a durable solution, and it is better to catch problems early and address them.

Monitoring activities can be incorporated into existing programmes with little extra cost. For example, health workers collecting health information can report back on abuses that they witness or hear of at any stage of repatriation. The dilemma here may be that systematic monitoring activities may be seen to compromise the safety of NGO staff. (This is a discussion that can be opened to the floor if helpful.)

Recall that assistance is part of protection and that any assistance provided to returnees should also benefit the local community.

Ensuring that the local community benefits from returnee assistance helps to minimise animosity and may create social structures that knit the two communities together.

Reconciliation processes at the grass-roots level can be supported by **encouraging the participation of all elements** of the local and returnee community. For example, children's activities in NGO programmes can deal with issues such as conflict within the family and the community, as well as racism and xenophobia.

Slide 8: Local integration preconditions

Sometimes, this may be the only durable solution available. Recall that local integration or settlement can be achieved only with the consent and active participation of the government concerned.

These are the minimum prerequisites for integration to work as a durable solution:

- Full cooperation of the host government;
- Sufficient external financial support;
- Receptivity of the local population;
- Viable economic context for self-reliance;
- Full incorporation into the new society.

One of the most successful examples of integration on a significant scale was the integration of the Guatemalan refugees who fled civil war and persecution in the 1970's and 1980's in Mexico.

Slide 9: Integration obstacles

There are reasons why countries are often reluctant to allow integration to take place. Particularly when national resources are scarce, a strong case can be made for responsibility-sharing (also known as burden-sharing) on the part of the international community.

Slide 10: Misuse of integration

Recall that integration should not be used as a pretext to limit the right of refugees to return home – be alert to situations where people have become refugees as a result of ethnic-based expulsions.

An example of this is the ethnic Nepali Bhutanese who are in Nepal at the moment and would like to return but have been denaturalised by the Bhutanese authorities. They cannot now return, as they are no longer considered nationals.

Slide 11: What can/should the RC/RC and NGOs do to make solutions real?

- Help strengthen local socio-economic infrastructure;
- Identify income-generation options and stimulate participation of refugees;
- Promote community development and mitigate local resentment;
- Cooperate with other actors to develop phased assistance;
- Promote registration, as well as the granting of identity documents and legal status.

Slide 12: What is resettlement?

Resettlement is often thought of as **the forgotten solution**, as it is often considered an option of last resort. This simply isn't true, and, for many refugees, resettlement is in fact the best, or only, alternative.

That said, resettlement is a solution that very few actually access: **less than 1 per cent of the refugee population** is able to access resettlement as a durable solution. The availability of resettlement as a solution in any given context rarely, if ever, reflects the need.

Resettlement in a third country involves the voluntary transfer of refugees from one country in which they sought refuge to another country that has agreed to admit them.

It is a vital tool, as, in some circumstances, refugees, lives, liberty, safety, health, or other fundamental rights are at immediate risk in the country of asylum because of their identity or because the country of refuge is not willing or able to protect them.

Resettlement can also be used to meet the special needs of a refugee that cannot be adequately addressed in the country of refuge. Survivors of violence, torture, or severe trauma may fall into this category. It can also be the only solution for refugees who have no prospect of returning home in the foreseeable future and who have no prospects to integrate in the country of refuge.

It is also a means for international responsibility-sharing, so that no one country carries an undue burden for protecting refugees.

It is important to **emphasise** that not all those who meet the resettlement criteria will be resettled. Many people do meet the criteria, but often the **quota** is full, and some resettlement countries will use **additional criteria** such as language or other skills, which further limits opportunities for those who would otherwise qualify.

Slide 13: When can resettlement be considered?

- After establishing that a person is a refugee under the UNHCR's mandate;
- When a refugee is at risk in their country of refuge or has particular needs as established by UNHCR criteria;
- After fully exploring the possibility of local solutions;
- After evaluating the possibility that voluntary repatriation will be feasible or foreseeable within an acceptable time frame.

Slide 14: Who can be resettled?

See “Resettlement” in *Protecting Refugees: A Field Guide for NGOs*.

Slide 15: Legal and physical protection needs

- An immediate or long-term threat of *refoulement* to the country of origin or expulsion to another country from where they may be *sent back*;
- Threat of arbitrary arrest, detention, or imprisonment;
- A threat to physical safety or human rights in the country of refuge that is similar to that considered under the refugee definition, thus rendering asylum untenable.

Slide 16: Family reunification**Note to trainer**

- ✓ ***The Expert Roundtable on Family Unity that was part of the Global Consultations includes helpful summary conclusions. Refer to the UNHCR website, www.unhcr.org***

The family is a **natural and fundamental unit of society** and is entitled to protection by society and the state (this is based on **the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights**).

The UNHCR promotes reunification of:

- The nuclear family, including husband and wife;
- Parents and dependent unmarried children;
- Unaccompanied minors with parents or siblings;
- Other dependent members of the family unit.

Slide 17: What resettlement is not

- A right; however, there is a legal basis for durable solutions to be pursued;
- An immigration or migration tool to reach a country of choice;
- A tool to improve the person’s economic or social situation;
- The solution for all problems and challenges that a refugee is experiencing.

Resettlement is a protection tool that is equally important to voluntary repatriation and local integration.

Activity 2 - Boringia Case Study			
Timing		Method	Resources needed
Preparation for group work	5'	Case studies	Handout 1 - Boringia Case Study 1: Voluntary Repatriation
Group work	25'		Handout 2 - Boringia Case Study 2: Local Integration
Feedback	15'		Trainer Guidance 1 - Possible Group Feedback
Wrap-up	5'		
Total: 50 minutes			

Preparation for group work (5 minutes)

Introduce the exercise by referring to the Boringia simulation held earlier (see [Module 7](#)), and **show the Boringia map** to remind participants of that scenario.

Tell participants the Boringia situation has now lasted for several years and a durable solution needs to be found for what is now a long-term refugee crisis.

Divide the participants into two groups.

Give one group "Handout 1 - Boringia Case Study 1: Voluntary Repatriation" and the other group "Handout 2 - Boringia Case Study 2: Local Integration".

Ask the groups to read the **handouts** and **complete the task** outlined at the bottom of the page.

Explain that participants will be expected to make a brief presentation, so they should record their answers on a flip chart.

Voluntary repatriation task

- You and your fellow refugees would like to return home as soon as possible. Taking into account constraints that you know the actors face, come up with a workable list of conditions under which you would like to see repatriation take place.
- Others within your population may not be able or willing to return. Explain who these groups are, why they are not able or willing to return, and how else their needs might be addressed.

Local integration task

- You and your fellow refugees would like to settle permanently in Boringia. Taking into account constraints that you know the actors face, come up with a workable list of conditions under which you would like integration to take place.
- Others within your population may not be able or willing to integrate. Explain who these groups are and how else their needs might be addressed.

Group work (25 minutes)

Allow 25 minutes for the group work

Feedback (15 minutes)

Each group reports back to plenary, summarising key points raised during the group work.

Give comments and ask questions to elicit thoughts on any missing protection issues, as necessary.

Use “Trainer Guidance 1 - Possible Group Feedback” to guide the discussion.

Wrap-up (5 minutes)

Summarise the findings of the two groups and add comments where necessary (for example, any key issues that have not been mentioned).

Humanitarian workers should understand that there are **standards for determining when pursuit of one of the durable solutions is appropriate** and also what can be done to ensure circumstances that will lead to one solution or another.

For example, in “Solutions” in *Protecting Refugees: A Field Guide for NGOs*, there are a number of scenarios for return in voluntary, involuntary, and emergency situations. These are quite common circumstances that are presented at the field level and the advice given in the *Field Guide* emphasises the protection concerns that are raised and what to do when refugee protection is not given adequate regard.

It should be emphasised that, in the pursuit of any of these three solutions, there are difficulties and that in all circumstances **the voice of the refugee must be heard** and that they must be part of the decision of what is the best solution for them.

The process of reintegrating in one’s own country – often devastated by conflict – or integrating in a new country is hardly ever easy, and **there are many examples of difficulties faced by returnees**. These include reacquisition of land and property, employment, access to social assistance, and continuing discrimination and harassment.

Returnees ought not to be treated as second-class citizens; rather, they should be considered full-fledged members of the community. Links between humanitarian assistance workers in the host country and the country of return will be important in ensuring a positive reintegration experience.

It may be worth pointing out that fulfilment of rights and provision of benefits by the government, the Red Cross/Red Crescent movement, and NGO assistance must **be done on a non-discriminatory basis**.

For example, access to vocational training, land and land ownership, education, and other services **should apply equally to men and women**. Otherwise, women may continue to suffer deprivation and marginalisation after return/integration.

Optional Activity 1 - Role Play on Durable Solutions			
Timing		Method	Resources needed
Preparation for role play	20'	Role play	Central table for a role-play meeting
Role-play meeting	20'		
Feedback	5'		
Total: 45 minutes			

Note to trainer

- ✓ *Each of the optional activities contains valuable learning points. You can choose to replace “**Activity 2 - Boringia Case Study**” with **one of the options** or run an option as a supplement to the session.*
- ✓ ***Optional Activity 1** is a dynamic role play that aims to highlight some of the issues around all three durable solutions by playing different roles.*

Preparation for the role play (20 minutes)

Divide the group into nine teams or fewer, and select the most relevant groups in the context of the training.

Each team should assume **one of the following roles**:

- Refugee women;
- Refugee men;
- Refugee children/adolescents;
- Red Cross/Red Crescent staff specialising in health and tracing;
- National NGO working on refugee issues;
- Representatives of the host population or local population in cases of voluntary repatriation;
- Host government;
- Government of country of origin;
- UNHCR.

Using the **Boringia scenario**, **each group decides** what their preferred durable solution is and states why.

Allow teams 10 minutes **to prepare** their decision and the preconditions that they feel are necessary for them to accept that solution.

Set up a meeting where each team sends a representative to state their case.

At the meeting, the chair (who could be a special envoy sent to seek solutions) tries to bring the meeting to an agreement by asking each representative to state their case.

Role play (20 minutes)

Allow 20 minutes for the meeting.

Feedback (5 minutes)

Summarise the main learning points.

Optional Activity 2 - The Borderline			
Timing		Method	Resources needed
Group exercise	15'	Group exercise	Masking tape
Feedback	15'		
Total: 30 minutes			

Note to trainer

- ✓ *Optional Activity 2 is applicable in contexts where voluntary repatriation is a real possibility. It is a creative way to help participants get a sense of being on both the refugee side of the border and the repatriation country side of the border.*

Group exercise (15 minutes)

Use some masking tape to make a line down the centre of the room.

Ask everyone to stand on one side of this border in the country of refuge.

Those who want to take part in voluntary repatriation cross over the border to their country of origin. Others stay behind in the country of refuge.

Those on each side of the border then find a partner on the same side and team up with a pair on the other side.

Each pair tries to persuade the other to come across the borderline to join them.

Allow 15 minutes for the activity to run.

Feedback (15 minutes)

Take feedback on the exercise.

It should cover the types of arguments used for and against staying in the country of asylum or returning home to the country of origin, as well as the key protection concerns.

Optional Activity 3 - Role Play: Consulting with Chakamakan Refugees			
Timing		Method	Resources needed
Role play	25'	Role play	Handout 3 - Optional Activity 3: Chakamakan Scenario
Group work	25'	Group work	Handout 4 - Optional Activity 3: Role 1
Feedback	15'		Handout 5 - Optional Activity 3: Role 2
			Handout 6 - Optional Activity 3: Role 3
			Handout 7 - Optional Activity 3: Role 4
Total: 65 minutes			Flip charts with prepared questions

Note to trainer

- ✓ *Optional Activity 3 aims to illustrate how, in reality, durable solutions widely differ in terms of availability and applicability.*
- ✓ *Photocopy “Handout 3 - Chakamakan Scenario” for all the participants.*
- ✓ *Photocopy one of each of Handouts 4, 5, 6, and 7 (roles 1 to 4).*

Role play: Consulting with Chakamakan Refugees (25 minutes)

Set the scene by drawing a map of Boringia, including the location of the refugee camps and the capital Bokoloko (refer to “Handout 1 - Boringia Map” in Module 7).

Brief four participants to play the following roles:

- A **UNHCR community services officer** invited to a meeting with Chakamakan refugees in a camp (**Role 1**);
- A **refugee community leader** who is opposed to returning home (**Role 2**);
- A **refugee woman** married to a national of the asylum country and who wants to stay with her husband (**Role 3**);
- A **refugee woman** who cannot return home or stay in the asylum country (**Role 4**).

Give these participants **the relevant role sheet**.

Allow approximately 25 minutes for the role play, giving the most time to the person who cannot return home or stay in the asylum country.

The UNHCR community services officer is expected to **moderate the different scenes**. In doing so, she/he will ask questions to help the refugees explain the main facts of their respective situations and their related choices with respect to available solutions.

Close the role play with a word of thanks to the participants for their courage and willingness to play out the refugee scenes.

Group work (25 minutes)

Place several flip charts and markers in different parts of the meeting room.

Divide participants into three groups.

Each group should elect a rapporteur and a spokesperson.

The actors will task each group to examine in more detail the facts surrounding one of the refugee situations previously performed.

The following questions are to be answered:

Group 1

- Why is this refugee opposed to return?
- What are the prerequisites for him to voluntarily go home in safety and dignity?

Group 2

- Why is the refugee opposed to return?
- What are the preconditions for her to settle permanently in the country of asylum?

Group 3

- Why is this refugee not able to return home or to settle in the country of asylum?
- Should this refugee be considered for third-country refugee resettlement? Why/why not? Which resettlement criteria may come into play?

Feedback (15 minutes)

Each rapporteur has five minutes to present the findings of the group.

Elicit questions and clarifications from the plenary as suitable.

Reiterate briefly the key messages relating to durable solutions for this session and encourage the participants to read “Solutions” in *Protecting Refugees: A Field Guide for NGOs*.

Handout 1 - Boringia Case Study 1: Voluntary Repatriation**The situation**

After almost four years of bitter fighting, the rebel movement has established control over the entire Chakamakan territory.

A new government has been put in place, and, following a relatively free and fair election process, it has gained international recognition.

Parliament has adopted a new constitution. It recognises an extensive list of fundamental human freedoms and creates an independent watchdog to monitor the state's adherence to the constitution.

Over time, more than 350,000 Chakamakans fled into Boringia, where they have since benefited from a temporary protection regime. An estimated 320,000 Chakamakans are still displaced within the borders of their own country.

Under its national reconciliation agenda, the new government has called upon all Chakamakans in exile to come back and help rebuild the country.

Whilst several spontaneous repatriation movements have occurred, the large majority of refugees are still hesitant to go home, and there is general confusion and unease in the refugee population about the issue.

From meetings with refugee groups, it has become apparent to the NGOs, the National Red Cross Society, and the UNHCR that there are no firm guarantees concerning refugee safety or reliable information about the situation that refugees will face upon return. Their prospects for the future are also unclear.

In initial talks, there are some refugees who have indicated that they do not wish to repatriate under any circumstances.

At the same time, others have accused the Boringian government of exerting increased pressure, including withdrawal of material support from refugees, in an attempt to encourage voluntary repatriation.

Your task is to play the role of refugees

- You and your fellow refugees would like to return home as soon as possible. Taking into account constraints that you know the actors face, come up with a workable list of conditions under which you would like to see repatriation take place.
- Others within your population may not be able or willing to return. Explain who these groups are, why they are not able or willing to return, and how else their needs might be addressed.

You may wish to consult "Voluntary repatriation" in *Protecting Refugees: A Field Guide for NGOs*.

Handout 2 - Boringia Case Study 2: Local Integration**The situation**

After almost twelve years, the bitter fighting in the country of origin continues, and it is not clear whether many areas are under the control of the rebel movement or the government.

Both parties to the conflict have been accused of severe violations of human rights. In most of the country, the infrastructure and public services have broken down, and the economy has all but collapsed. International aid efforts have been sporadic and unreliable due to donor fatigue and insecure conditions.

Over time, more than 350,000 Chakamakans fled into Boringia where they have since benefited from a temporary protection regime. An estimated 320,000 Chakamakans are still displaced within their country.

In Boringia, many refugees live in camps, subsisting on handouts from NGOs and the Red Cross. They have been discouraged from moving to urban areas by the Boringian government, who saw their situation as temporary and expressed this in all its policies towards refugees.

The government was supported in this by public opinion in Boringia, which characterised the refugees as a potential drain on an already weak economy.

However, some refugees have managed to make it to towns and cities and set up home with friends or relatives. There are even some successful businesses run by refugees in towns; however, these operate illegally and without the requisite papers.

The large majority of Chakamakan refugees are still unwilling to go home, and the problem looks to be a long-term one.

Increasingly, refugees are becoming resigned to the idea that Boringia is their new home. Some refugees come from ethnic groups that are also represented in Boringia and therefore do not feel that they are in an alien environment. Others have less affinity with the Boringian population and have always retained the hope that some day they will be able to return.

Under pressure from the international community, the Boringian government has declared that it will consider allowing those Chakamakans who wish to remain in Boringia to settle permanently.

In initial talks, it appears that there is a great deal of confusion about what kind of actions the government will take to support the integration process.

Many refugees felt relief at the prospect of settling down once and for all and giving their children a fresh start.

However, now there is increasing doubt about what prospects they face if they take up the offer of local integration and relinquish their intention to return home. Some have even accused the Boringian government of intending to pressure refugees into local integration as part of a policy of support to the rebel forces in Chakamaka.

Your task is to play the role of refugees

- You and your fellow refugees would like to settle permanently in Boringia. Taking into account constraints that you know the actors face, come up with a workable list of conditions under which you would like integration to take place.
- Others within your population may not be able or willing to integrate. Explain who these groups are and how else their needs might be addressed.

You may wish to consult "Local integration" in *Protecting Refugees: A Field Guide for NGOs*.

Trainer Guidance 1 - Possible Group Feedback**Preconditions for voluntary repatriation**

- Assurances that refugees' rights will be respected during and after return;
- Information and an opportunity for "go and see" visits;
- Participation in the process of planning voluntary repatriation;
- Safe access for the UNHCR and others to the country of return to monitor the situation;
- Cooperation of local authorities in the country of origin;
- National law in the country of origin consistent with human rights law;
- Approval and support of local communities at home (those who stayed). It could be achieved by ensuring that assistance programmes benefit these communities as well as returnees;
- Guarantees of physical safety (vis-à-vis mines, unexploded ordnance, etc.);
- Land rights;
- Compensation for destroyed or lost property;
- Amnesties for those who were considered political criminals;
- Registration and full citizenship for children born in the country of asylum;
- Access to health, education, and other services necessary for life with dignity/adequate standard of living;
- Recognition of educational qualifications received in country of asylum;
- Vocational training and initial support for income generation;
- Continuity of paperwork – handing over of medical/ documentation such as "family books".

Those unwilling to repatriate

- Those who still fear persecution in the country of origin and want to have their claim for asylum individually considered (in a situation where all refugees were found *prima facie* to qualify for protection, there may be some within this group who continue to have a well-founded fear of persecution on an individual basis for reasons other than those for which the majority fled);
- Those who hope to be resettled in a third country;
- Vulnerable groups who will lose support networks developed during asylum;
- Those who feel they cannot reintegrate into their culture of origin due to changes in their outlook, gender role, and/or social structures during asylum.

Preconditions for integration

- Participation by refugees in the planning of phased integration/phased-out assistance;
- Full citizenship and all subsequent rights and obligations of a national;
- Legalisation of currently informal businesses;
- Health, education, and all other services necessary for life with dignity/adequate standard of living;
- Information links with country of origin;
- Efforts to support preservation of their culture;
- Freedom of movement;
- Income-generation programmes to support self-sufficiency;
- Land rights;
- Work permits;
- ID papers;
- Language assistance.

Those unwilling to integrate

- Those wishing to return to Chakamaka;
- Those wishing to be resettled in another country.

Handout 3 - Optional Activity 3: Chakamakan Scenario**Durable solutions for Chakamakan refugees in Boringia**

For the last 14 years, a bitter civil war has been waged in Chakamaka between the Chakamakan government and the rebels of the National Chakamakan Liberation Alliance. Over time, approximately 276,000 Chakamakans fled into the eastern provinces of neighbouring Boringia, where, ever since, they have benefited from temporary protection. In addition, an estimated 400,000 Chakamakans are said to be displaced within Chakamaka.

Most of the refugees reside in large refugee settlements, subsisting on humanitarian assistance and basic services dispensed by the Boringian Red Cross and international and local NGOs. In recent years, international support for the aid effort has dwindled because of so-called donor fatigue, lack of lasting peace prospects in Chakamaka, and, as a consequence, reduced international media attention.

For national-security reasons, it has been long-standing Boringian asylum policy that all refugees must reside in designated areas. The settlements are located some 90 km away from the border with Chakamaka. Local police teams are tasked to maintain law and order in the settlements. Refugees need to apply individually for written permission from the local police chief to leave a settlement.

According to the Boringian Ministry of the Interior, a monthly renewable permit is granted only to refugees who require urgent medical treatment or who have exceptional professional skills (such as engineers, pharmacists, and doctors).

Nevertheless, it is generally known that more than 6,500 refugees live and work in several Boringian cities without the requisite documents. When arrested, refugees face up to two years of imprisonment and/or hefty fines for having violated the 1989 Refugee Security Act.

Boringia is a party to the 1951 Refugee Convention, its 1967 Protocol, and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, but it made several reservations particularly in relation to civil, political, social, and economic rights for refugees.

Refugees are not issued identity documents other than ration cards furnished upon registration in the camps. There are few, if any, prospects for Chakamakan refugees to restart self-reliant and productive lives in Boringian society. They are, in principle, not allowed to engage in wage-earning employment or self-owned commerce. Refugees are characterised in Boringian public opinion as unwanted competitors for scarce jobs.

Whilst, four years ago, several spontaneous repatriation movements took place, the large majority of the refugees are still very hesitant to go home.

From talks with the refugee communities, it has become apparent to field staff from the UNHCR, the Red Cross/Red Crescent, and NGOs that most refugees express strong willingness to go home but only when security conditions have considerably improved in Chakamaka.

However, relentless fighting in their areas of origin impedes voluntary return in conditions of safety and dignity. Some refugees have indicated that they do not wish to repatriate under any circumstances whatsoever. Others have accused the Boringian government of exerting increased pressure, including withdrawal of material support, in an attempt to speed up repatriation.

You may wish to consult "Voluntary repatriation" and "Local integration" in *Protecting Refugees: A Field Guide for NGOs*.

Handout 4 - Optional Activity 3: Role 1**Role 1: A community services officer invited to a meeting with Chakamakan refugees in a camp****“Consulting with Chakamakan refugees in a camp”**

You are an experienced (UNHCR) community services officer. You've been posted in a refugee camp in Boringia for the past year and have developed good relations with the Chakamakan refugee population, as well as with local community leaders.

Bitter fighting continues in several parts of the northern and eastern provinces of Chakamaka. No cessation of hostilities has held for more than three weeks in the last two years. Likewise, most international observers consider that there is very little prospect for a Chakamakan national reconciliation process in the near future.

The UNHCR has taken the position that conditions are generally not conducive to promoting voluntary repatriation to Chakamaka in safety and dignity.

The Chakamakan government has repeatedly called the refugees to return home and has pledged that it will ensure their security in the government-controlled areas. However, a promised amnesty is not in place as of yet.

You have also been informed that aid rations in the refugee camps will be progressively reduced in the coming months owing to donor fatigue.

You are to undertake an assessment of the refugees' perceptions of the most suitable solutions to their situations. To do this, you would like to call a refugee committee meeting to collect their views.

Handout 5 - Optional Activity 3: Role 2**Role 2: A refugee community leader who is opposed to returning home****“Nobody should go back to Chakamaka”**

Prior to fleeing to Boringia, you were a senior political opposition member in Chakamaka. You are not affiliated with, or a supporter of, the National Chakamakan Liberation Alliance. Instead, you have established an independent political party.

At present, you are a leading member of the refugee committee in a refugee camp in Boringia. You are employed by an international NGO that implements a camp management project under an agreement with the UNHCR. As programme officer, you are co-responsible for registration and food distribution in the camp.

You are concerned about repatriation to Chakamaka because:

- Bitter fighting continues in several parts of the northern and eastern provinces of Chakamaka;
- No cessation of hostilities has held for more than three weeks in the last two years; likewise, there is no credible national reconciliation process;
- A promised amnesty is still not in place;
- Massive return could be interpreted as a token of popular support for the current government;
- If people return, there will be less food aid for refugees in the camp.

Handout 6 - Optional Activity 3: Role 3**Role 3: A refugee woman married to a national of the asylum country who wants to stay with her husband****“I want to stay in Boringia”**

You arrived in Boringia in 1999 with a group of 30 refugees from your village. Whilst some consider going home, you don't want to return to Chakamaka. About a year ago, you married a Boringian man. At present, you are five-months pregnant with your first child. With help from your husband's family, you moved outside the camp and found work as a dressmaker in a shop.

Boringian law does not provide for facilitated naturalisation of refugees married to a Boringian national. However, a child born of a Boringian father can opt for Boringian citizenship at the age of majority.

You presented an expired driver's license when registering your marriage. Until now, you have neither valid identity documents nor a work permit issued by the Boringian authorities.

Handout 7 - Optional Activity 3: Role 4**Role 4: A refugee woman who cannot return home or stay in the asylum country****“I can’t go home, and I am not protected in Boringia”**

Theo, your husband, has been involved in political activities since 1983, when he co-founded the Chakamakan National Democratic Alliance (CNDA), a party generally believed to constitute the political wing of the main rebel movement.

Civil strife turned into armed conflict in Chakamaka at the end of 1996, following the annulment of parliamentary elections in which Theo actively campaigned for the CNDA.

Paramilitary units forced their way into your apartment whilst searching for your husband. They verbally abused you, calling you a “traitor of the nation”, and threatened to come again “to teach you and your children a lesson”. Eventually, they departed after having destroyed your personal belongings. You and Theo decided to flee with your three children into Boringia by being smuggled across the border in October 1997. You were granted refugee status in 1999 after a 16-month procedure.

Your husband became highly abusive: he would beat and kick you severely.

Shortly before the birth of your fourth child, you found a letter from him telling you he was leaving you. Ever since, you have not received any news from him.

One day, on your way to the market, a man began harassing you. At one point, he prevented you from crossing the street and produced his immigration officer identity card. You were forcibly driven off to a small office where the beatings and verbal harassment continued for about six hours before being released.

Three days later, you filed a complaint and have since received numerous anonymous phone calls and letters with threats that you will be forcibly removed from Boringia should you refuse to withdraw the complaint.

Your younger brother departed four years ago to Canada, where he was allowed to take up residence. Some friends you met at a church service have offered to help him to provide private sponsorship for you and your four children.