

PROTRACTED REFUGEE SITUATIONS: REVISITING THE PROBLEM

I. SUMMARY OVERVIEW

1. The United Nations High Commissioner for Refugees (UNHCR) has launched an initiative to reinvigorate possibilities for solutions to protracted refugee situations (PRS) and, in the interim, to improve the quality of life for populations that have lived in such exile for long periods of time.

2. The initiative will incorporate three strands. First, in order to give the PRS problematic a higher profile amongst States and other stakeholders, a strategic framework for managing protracted refugee situations has been developed and will be reviewed with UNHCR's Executive Committee members. Additionally, protracted situations will be the primary theme for the December 2008 meeting of the High Commissioner's Dialogue on Protection Challenges.

3. Second, the strategic framework is intended to serve as a basis for restructuring and recalibrating efforts to resolve specific protracted situations deemed likely to benefit from new impetus at this point.

4. Third, UNHCR wishes to consider, together with States, the desirability of identifying a single situation with regional dimensions for formulation and implementation of a region-wide Comprehensive Plan of Action (CPA). Past precedents include the CPA for the Indo-Chinese outflow and CIREFCA¹ for Latin America.

II. BACKGROUND TO THE INITIATIVE

5. The international community's present concern about protracted refugee situations links directly to Agenda for Protection adopted in December 2002. Described as "an ambitious, yet practical programme of action to improve the protection of refugees and asylum-seekers around the world," the Agenda for Protection incorporated a Programme of Action based on six key goals: strengthening implementation of the 1951 Refugee Convention; protecting refugees within broader migration movements; sharing burdens and responsibilities more equitably; addressing security-related concerns more effectively; redoubling the search for durable solutions; and meeting the protection needs of refugee women and refugee children.

¹ International Conference on Central American Refugees (CIREFCA)

6. As the Agenda for Protection points out, none of these objectives can be attained without concerted international action to resolve the situation of people who have lived in exile for many years. "Millions of refugees around the world presently have no access to timely and durable solutions, the securing of which is one of the principal goals of international protection."²

7. Responding to this call, in June 2004 UNHCR presented a paper on the issue of protracted refugee situations to the Standing Committee.³ The paper provided a definition of such situations and examined the dimensions of the problems they pose at the global and regional levels. The paper went on to describe the negative consequences of unresolved refugee situations, to present the difficulties experienced by UNHCR in its efforts to address them, and to identify the different tools available to the Office in this regard. The Office subsequently elaborated on its PRS strategies in a paper entitled *Making comprehensive approaches to resolving refugee problems more systematic*.⁴

III. RECENT DEVELOPMENTS

8. Since that time, some progress has been made. In 2005 and 2006, for example, more than 1.8 million long-term refugees returned to their country of origin, more than a million of them to Afghanistan alone. Substantial numbers of refugees also repatriated in Africa, the largest numbers returning to Angola, Burundi, Liberia and Sudan. During the same period, approximately 150,000 refugees found a durable solution by means of third country resettlement, while several thousand refugees were able to integrate in countries of asylum, including Armenia, Kyrgyzstan, Mexico and the Russian Federation.

9. In the past 12 months, the search for solutions to protracted refugee situations has continued to yield positive results. To give a few examples, more than 10,000 refugees from Myanmar have now left Thailand under the auspices of the world's largest current resettlement programme. Resettlement opportunities have also opened up for more than half of the 107,000 refugees from Bhutan living in Nepal. In the United Republic of Tanzania, the Government is currently implementing a programme of local integration for some 176,000 Burundian refugees who fled their country in 1972, while voluntary repatriation support is available for those opting to return. Those Burundian refugees who arrived in Tanzania more recently are returning to their homeland in significant numbers, as are refugees from Southern Sudan living in Kenya, Uganda and other neighbouring States. Despite a resurgence of armed conflict in certain parts of Afghanistan, some 365,000 refugees returned to that country in 2007.

IV. RATIONALE FOR A NEW INITIATIVE

10. Such positive developments give added impetus to new initiatives to improve the situation and find solutions for refugees still trapped in protracted exile. The numbers remain unacceptably high. According to the latest available statistics, some 5.2 million of the world's refugees have been living in exile for more than five years. This not only constitutes years of misery for refugees, but it is also testimony to the fact that asylum has been made available by

² See A/AC.96/965/Add.1 page 18 (Goal 5)

³ *Protracted refugee situations*, EC/54/SC/CRP.14, June 2004

⁴ FORUM/2004/7, September 2004

host States for millions of people for long periods of time. The generosity and the burden this represents should not be underestimated. Both need to be acknowledged. The largest proportion of these long-term refugees is to be found in Asia, while the largest number of protracted refugee situations are in Africa. The PRS problem is thus concentrated in the two regions of the world with the greatest development challenges.

11. There is, as well, a danger that this number could increase substantially if solutions remain elusive for groups of refugees who have left their countries of origin during the past two or three years, including, for example, the Central African Republic, Chad, the Democratic Republic of the Congo, Somalia and the Sudan. The exodus of more than two million Iraqis since 2003 is a particular concern in this respect.

12. The PRS initiative is also motivated by the fact that long-term refugee situations have a variety of seriously prejudicial consequences. Many refugees caught up in them live in remote and insecure areas, with limited opportunities to move around, or to have access to land, the labour market and educational opportunities. It is unsurprising that, as one result, protracted refugee situations are often characterized by high levels of personal trauma, social tension, sexual violence and negative survival strategies.

13. Protracted refugee situations also drain scarce humanitarian resources. In many instances, refugees have been supported by long-term “care and maintenance” programmes, entailing significant costs to the international community without offsets through a self-reliance focus. Donor fatigue follows, with States preferring to turn their attention and resources towards higher-profile operations, especially refugee emergencies and large-scale repatriation programmes. Refugee situations which persist for years are often unable to attract the necessary financial support to sustain even adequate standards of protection and assistance.

14. The initiative recognizes the need to capitalize on emerging new opportunities for solutions. UNHCR and other humanitarian agencies are not the principal actors when it comes to “unlocking” refugee situations that have persisted for years. Many refugee situations become protracted because the armed conflicts and human rights violations that forced people to flee have not been resolved, thereby obstructing the primary, and in most cases the preferred, solution of voluntary repatriation. The humanitarian community’s ability to resolve protracted refugee situations has also been constrained by the limited availability of alternative solutions. Resettlement places are relatively scarce, while many host States continue to harbour doubts about the value and viability of local integration.

15. It is, therefore, all the more important to be alert to opportunities when they present themselves. In the Americas, some 20 States have adopted the Mexico Plan of Action, a continent-wide framework to provide refugees, including from outside the region, with protection and solutions. In a number of West African host States, UNHCR is discussing settlement possibilities for Liberian and Sierra Leonean refugees, notably in the context of the ECOWAS Free Movement Protocol. The local integration initiative for Burundian refugees in Tanzania, referred to already, is a major step forward for the local integration response to a decades-long problem. The number of resettlement countries is slowly growing, increasing the places available

for UNHCR resettlement referrals. In addition, there are new partnership opportunities which have arisen and which will augment UNHCR's efforts to promote the voluntary return and sustainable reintegration of refugee and displaced populations.⁵

16. In some parts of the world, there has been growing, if tentative, appreciation that remaining abroad with the status of legal migrant may offer a refugee group an interim or alternative solution that is distinct from the traditional durable solutions of voluntary repatriation or resettlement. UNHCR's objective in this context is to ensure that refugees are able to take up such opportunities when they are available and appropriate.

V. THE HIGH COMMISSIONER'S INITIATIVE: THE FRAMEWORK

A. A targeted approach

17. Given the scale of the global PRS problem and the limited resources and capacities at UNHCR's disposal, the PRS initiative has to remain specifically targeted to a limited number of refugee situations in different parts of the world. This is without prejudice to ongoing efforts by the Office in all refugee situations, including protracted ones, to ameliorate the conditions for the refugees, ensure their protection, and identify appropriate solutions. These continue in tandem. The situations which will attract a particular focus for heightened activities, within the High Commissioner's initiative, have been identified variably against the following considerations:

(a) *Prospects for success*: i.e. they are not entirely intractable but offer openings for the pursuit of either durable solutions per se, or at least sustainable livelihood initiatives in the interim.

(b) *Protection needs*: i.e. they are increasingly intolerable in terms of the refugees' protection and welfare, both of which are sub-standard.

(c) *Host State perspectives*: i.e. host States are strongly feeling and articulating the need for greater responsibility-sharing.

(d) *Costs and benefits*: i.e. they have entailed high levels of expenditure for States which is seen as increasingly unsustainable from a donor State perspective.

(e) *UNHCR capacity*: i.e. they are ones in which UNHCR has capacity and scope to assume a more meaningful role.

18. Taking into account these criteria, the Office judges it is timely and necessary to explore with States, under the High Commissioner's initiative, the reorientation of programmes in the following protracted situations:

- **Afghan refugees in the Islamic Republic of Iran and Pakistan.** The first large-scale refugee movements from Afghanistan into Pakistan and the Islamic Republic of Iran took place in 1979. These were followed by at least four distinct waves of displacement, reaching their height in the mid 1980s, when the Afghan refugee

⁵ *Policy framework and implementation strategy : UNHCR's role in support of the return and reintegration of displaced populations*, February 2008, paras 22-29.

population in the two countries reached approximately six million – some 40 per cent of the Afghan population. Currently, some 3 million registered Afghans are still being hosted, some 2.14 million in Pakistan and 910,000 in the Islamic Republic of Iran.

- **Rohingya refugees in Bangladesh.** Rohingya refugees from Myanmar's Northern Rakhine State have been living in refugee camps in Bangladesh for over 16 years. There are currently around 27,000 people accommodated in two camps in the Cox's Bazaar District.
- **Bosnian and Croatian refugees in Serbia.** The vast majority of refugees who fled to Serbia in the early 1990s have found a durable solution, either by returning to their own countries, by locally integrating or by resettling elsewhere. Nevertheless, a substantial number of refugees from Croatia and Bosnia and Herzegovina, in the vicinity of 95,000, remain in Serbia.
- **Burundian refugees in the United Republic of Tanzania.** Large numbers of Burundian refugees have been living in Tanzania since the early 1970s. Some 220,000 of the earlier arrivals, along with their descendants, live in three settlements in the Tabora and Rukwa regions. These refugees were offered the possibility to locally integrate by the Tanzanian authorities, and so far 176,000 refugees have confirmed their wish to remain in the country. The total number of refugees from Burundi peaked after a new major influx in the 1990s. Since then, voluntary repatriation and some resettlement from the camps in north-western Tanzania have reduced the number of camp-based Burundian refugees in that part of the country, also in need of solutions, to less than 120 000.
- **Eritrean refugees in eastern Sudan.** Sudan is host to one of the most protracted refugee situations in Africa, with an estimated 135,000 Eritreans residing in the east of the country. The overwhelming majority (some 94 per cent) arrived in the late 1960s and early 1980s. Another substantial group arrived in Sudan between 1998 and 2000. There are presently twelve "active" camps in eastern Sudan, accommodating some 95,000 people.

B. A staged approach

19. There is a need to be realistic about the pace and potential for durable solutions to be found, especially when the country of origin is afflicted by persistent violence, chronic instability, a shattered economy and a fragmented society, and when large-scale resettlement programmes are not an option. Long-term solutions-oriented efforts must, as a consequence, be matched by interventions to ameliorate the current situation of the refugees: first, by ensuring that they can live in safety and enjoy their basic rights; second, by enabling them to engage in productive activities as the basis for sustainable livelihoods. A better protection environment and genuine opportunities for skills development and self-reliance possibilities have to be fostered in tandem with durable solutions.

C. A comprehensive approach

20. The PRS initiative takes as a starting point that voluntary repatriation remains the priority solution for many of the refugee groups concerned. At the same time, realization of this solution is confronted by serious obstacles in most of the selected situations, which stem from persisting insecurity and human rights issues in countries of origin, as well as the roots that refugees have established in countries of asylum. Wherever sustainable return is possible, ensuring it is, first and foremost, the responsibility of the country of origin towards its own people. It also requires coherent and continuing action and support by the international community. UNHCR's overriding priorities when it comes to return are to promote the enabling conditions for voluntary repatriation, to ensure the exercise of a free and informed choice, and to mobilize support to underpin return.

21. Key to its success as a solution is that voluntary repatriation has to be pursued in the appropriate manner. Refugees must not be pressured to repatriate prematurely or involuntarily. The phasing down of material assistance and services in sectors such as education and health must be done in a manner which does not jeopardize the welfare of those refugees who remain in the country of asylum.

22. The PRS initiative is predicated on a comprehensive and multi-sectoral approach, involving simultaneous efforts to promote and exhaust voluntary repatriation options to countries of origin, together with appropriate initiatives directed at encouraging self-reliance and sustainable livelihood possibilities in the interim. The strategic use of resettlement needs also to be part of solutions strategies. UNHCR has made significant strides in improving its own resettlement-related processes: referral and identification tools have been streamlined; an anti-fraud plan to improve the credibility and reliability of processing has been put in place; and specific resettlement training programmes to improve staff expertise have been elaborated. UNHCR is now using, in tandem with individual processing, a methodology for identifying and resettling similarly situated refugees, in groups. This tool is enabling UNHCR and resettlement countries to make resettlement available to larger numbers within a defined refugee population. This methodology holds promise for refugees in protracted situations.

23. Migration-related options might also be explored. While certain of the situations at issue have been relatively stable, others have been highly dynamic, characterized by successive waves of displacement, exodus, migration and return. In such circumstances, the strategies pursued by UNHCR and its partners must take account of the fact that people of concern to the Office are intermingled with people who have left (or who remain outside) their country of origin for reasons unrelated to a need for international protection.

D. A developmental approach

24. The longer a refugee situation persists, the more likely and noticeable will be the impact on the host country. This will be of different sorts, including negative, ranging from deforestation and the depletion of other natural resources, to serious strains on local education, health and other public services. Development-related activities are central to viable management of protracted refugee situations. If refugees are to return and reintegrate in their

country of origin, or enjoy sustainable livelihoods where they are, then they and the people amongst whom they live must be able to be self-reliant, enjoy effective public services and have access to a sound physical infrastructure upon which economic growth and entrepreneurship can depend.

25. Displaced populations frequently face challenging environments, and their presence will impose economic, environmental and security burdens on their hosts. On the other hand, the multiple ways in which refugees pursue a sustainable stay may also vitally reinforce the local economy. The importance of incorporating refugee issues within national and regional development agendas in an effort to reduce the gap between humanitarian assistance and development efforts, and promote the longer-term welfare of host communities, cannot be overstated.

26. It is of particular importance that the PRS initiative includes efforts to engage less traditional actors in the search for solutions, especially those in the development sector. The Office will consequently try to ensure that States, organizational partners, civil society, refugees and local populations, are all engaged in appropriate ways. The United Nations Delivering as One initiative, which promotes better coordinated and more integrated programmes between the different UN agencies working in the same country, offers considerable potential in this regard. Similarly, the UN's Common Country Assessments and the Development Assistance Framework will provide new opportunities for protracted refugee situations to be addressed also in the development context. UNHCR's improved consultations with the World Bank are another important forum.

E. The tools

27. UNHCR has a number of tools available to support protracted situation initiatives. They include:

- the Handbook for Repatriation and Reintegration Activities;
- the Handbook on Self-Reliance;
- the Framework for Identifying Gaps in Protection Capacity (SPC project);
- the 10-Point Plan on mixed migratory movements;
- the Age, Gender and Diversity Mainstreaming approach, including the UNHCR Tool for Participatory Assessment in Operations;
- the Framework of Understandings on Resettlement; and
- relevant Executive Committee Conclusions, for example on local integration.

F. The methodology

28. A model of a planning outline has been developed as an aid to the rethinking of programmes to address protracted situations. In the first instance, UNHCR field representatives for the selected operations are being asked to review the direction of their programmes and

recalibrate activities within the context of this frame. This is without prejudice to any other office currently managing a protracted situation which also makes use of such a model. The success of any such programming is of course contingent upon:

- the effectiveness of early planning and inter-agency coordination, especially between UNHCR, other humanitarian agencies and development actors, harnessing the potential of the UN Delivering as One initiative;
- the active engagement of affected populations, fully utilizing an age, gender and diversity mainstreaming (AGDM) optic;
- committed engagement of the country of origin, especially in relation to the return, reintegration and protection of exiled populations;
- the ongoing commitment of countries of asylum also, including a readiness to accommodate local self-reliance and livelihood strategies;
- the strong financial support of donor States, provided within a “whole of government” framework;
- an enabling environment for engagement by non-governmental organizations (NGOs), particularly national, and, as appropriate, international NGOs;
- sufficient resettlement places for refugees for whom this solution is best suited; and
- flexibility in the design and implementation of programmes, so that they can adjust to changing circumstances.

VI. CONCLUSION

29. The High Commissioner’s hope, in redirecting attention back to protracted refugee situations, is that this will lead to renewed interest and support for short and longer-term activities to improve the protection environment and living conditions of the affected refugees; to provide them with better access to rights; and to realize in an appropriate manner the full range of available durable solutions.

30. Solutions strategies can be complex and costly. They require sustained financial and political support from key States and the international community as a whole. A principal objective of the High Commissioner’s initiative is to elevate and keep protracted refugee situations as a higher policy priority of governments and partner institutions.

31. UNHCR’s Policy Development and Evaluation Service (PDES) will review overall progress with the initiative and report on its findings and recommendations in 2010. PDES will also undertake earlier reviews of any specific durable solutions activities, especially those which are innovative in nature and which have the potential to be replicated in other parts of the world. UNHCR is committed to keeping protracted situations under review by the Executive Committee and its Standing Committee throughout 2008-2009.