

FRAMEWORK FOR DURABLE SOLUTIONS FOR REFUGEES
AND PERSONS OF CONCERN¹

I. OVERVIEW

A. Introduction

1. This document consolidates information on the background, policy development and initial operational activities relating to UNHCR's Framework for Durable Solutions. Following a general overview section which situates these initiatives within the overall goal of achieving durable solutions, each of the three concepts is presented under a separate chapter.

2. The three concepts presented under this Framework for Durable Solutions are:

- Development Assistance for Refugees (DAR);
- Repatriation, Reintegration, Rehabilitation and Reconstruction (4Rs); and
- Development through Local Integration (DLI).

The overall objectives of the Framework are:

- To share burdens and responsibilities more equitably;
- To build capacities to receive and protect refugees²; and,
- To redouble the search for durable solutions³.

3. UNHCR's Global Consultations on International Protection had a particular focus on the tools of protection: those presently available to the international community, and those in need of development for better global management of refugee problems. The intention was to make the international response more reliable and effective, as well as to ensure greater equity in the sharing of responsibilities and burdens. A specific call for the development of new arrangements and tools is made in several parts of the Agenda for Protection. During the fifty-third session of the Executive Committee of the High Commissioner's Programme (ExCom) in October 2002, the High Commissioner called for the development of such tools, in the form of multilateral "special agreements", to complement the 1951 Convention. The agreements are intended to set

¹ This document has already been made available at various meetings in 2003

² Goal 3, Agenda for Protection

³ Goal 5, Agenda for Protection

in place joint arrangements in areas where multilateral commitments are called for and where they are negotiable. The High Commissioner termed these tools "Convention Plus".

4. The 1951 Convention and 1967 Protocol remain the foundation for the international protection of refugees. The continued relevance and validity of the Convention was reaffirmed by all States Parties in the Declaration adopted at the Ministerial Meeting in December 2001. While the Convention remains an essential framework of refugee rights, it does not alone suffice. There is a need to clarify the apportioning of responsibilities and to promote a better sharing of responsibilities by States, notably in the context of mass influxes and mixed migratory flows, as well as for durable solutions. "Convention Plus" is not, therefore, about revising the Convention, but about building on it.

5. Drawing upon the High Commissioner's own suggestions, the following areas of activity have been identified for consideration as possible subjects of "Convention Plus" agreements:

- Comprehensive plans of action to ensure more effective and predictable responses to mass influx;
- Development assistance targeted to achieve more equitable burden-sharing and to promote self-reliance of refugees and returnees in:
 - countries hosting large numbers of refugees;
 - countries of origin in the context of reintegration;
 - refugee-hosting communities facilitating local integration in remote areas;
- Multilateral commitments for resettlement;
- Roles and responsibilities of countries of origin, transit and destination in "irregular" or "secondary movement" situations.

B. Issues at Stake

6. The countries hosting large refugee populations are usually themselves not just developing but poor. Refugee hosting communities are in remote areas where high level of poverty prevails. These countries need to be encouraged and supported in their receptivity to refugees. Hosting refugee populations for protracted periods have long-term economic and social impact that, if not adequately addressed, can create conflictual situations and insecurity.

7. Furthermore, refugees in many countries face restrictive asylum regulations which limit their freedom of movement and access to education, skills training and productive livelihoods. Their potential for human growth and development is stifled. Reduced to mere recipients of humanitarian assistance, the ability of refugees is limited to make a positive contribution to the economy and society of the asylum country.

8. In post-conflict situations, the reintegration of returnees poses considerable challenge. After the initial assistance provided by humanitarian actors, which is of an emergency nature, the subsequent process of reintegration to longer-term reconstruction does not occur in a seamless fashion. In the politically fragile environment which is characteristic of post-conflict situations, returnees are left in deprived condition for extended periods without means and opportunities for the future. Many opt to return to their country of asylum. This is the phenomenon of back-flows that is witnessed in repatriation operations when reintegration is not sustainable.

9. The common feature to both situations is that the needs of refugees and returnees have not systematically been incorporated in transition and recovery plans by governments concerned, the donor community and the UN system. Refugees and returnees are often not part of the national development planning. Ignoring the needs of displaced populations in development planning and most importantly, their positive contribution to society may result in returnees becoming a possible source of instability to the country's rebuilding efforts.

10. Financial mechanisms that are intended to address the transition needs are also very limited and ad hoc. Flexible ways need to be institutionalised, so as to ensure predictable financial support for the wide range of activities that span the various phases of transition.

11. Through its activities for refugees and returnees, UNHCR promotes international efforts in prevention, conflict resolution and peace building. Humanitarian actors such as UNHCR have an important role to ensure that solutions are sustainable. This, however, cannot be done effectively without an integrated effort of humanitarian and development actors. The objective of empowerment of refugees and returnees should therefore be given due consideration by all.

C. Pending Durable Solutions

12. The basic criterion for a good programme is self-reliance. In protracted refugee situations however, refugees - sometimes for decades - remain dependent on humanitarian assistance. One essential key to solving such situations is political; but, in the meantime, a facilitating element of any durable solution is development. The engagement of the relevant actors to address a situation invariably marked by lack of interest can be attributed to three factors: firstly, refugees are not part of the host government's political constituency and are thus not included in national development plans; secondly, refugees are often located in remote areas, which are not a regional priority for the host government; and thirdly, they are not part of activities undertaken by development actors, as development actors will normally follow the priorities of the recipient government. Thus refugees and their hosting population remain an excluded and marginalized group. "Development Assistance for Refugees (DAR)" aims to address this in an integrated manner. (For details, please see DAR Framework: Section II, paras. 20-59 below).

13. The overarching inspiration to promote additional development assistance for refugees is for: improved burden-sharing for countries hosting large numbers of refugees; promoting better quality of life and self-reliance for refugees pending different durable solutions; and, a better quality of life for host communities. DAR aims therefore, to achieve and facilitate the following:

- burden sharing with the host country;
- compensation for the burden aspect of the host community;
- development of the host country;
- development of the host community;
- gender equality, dignity and improved quality of refugee life;
- empowerment and enhancement of productive capacities and self-reliance of refugees, particularly of women, pending durable solutions.

D. Durable Solutions

14. Empowerment, particularly of women and enhancement of productive capacities and self reliance of refugees through DAR would lead equipped and capacitated refugees to either of the durable solutions i.e. repatriation to their country of origin, local integration in the country of asylum or resettlement to a third country.

Voluntary Repatriation

15. In post-conflict situations in countries of origin, the High Commissioner proposed an integrated approach known as “Repatriation, Reintegration, Rehabilitation and Reconstruction (4Rs)”. This approach brings together humanitarian and development actors and funds. The aim is that greater resources should be allocated to create a conducive environment inside the countries of origin so as to, not only prevent the recurrence of mass outflows, but also facilitate sustainable repatriation. This initiative is being piloted in Eritrea, Sierra Leone, Sri Lanka and Afghanistan and has clear linkages with the government, development actors such as UNDP, World Bank, UNICEF and WFP, the donor community and bilateral aid agencies. (For details, please see 4Rs Framework: Section III, paras 60-84 below).

Local Integration

16. With regards to cases where local integration of refugees in countries of asylum is a viable option, the High Commissioner has proposed a strategy called “Development through Local Integration (DLI)”. In situations where the State opts to provide opportunities for gradual integration of refugees, DLI would solicit additional development assistance with the aim of attaining a durable solution in terms of local integration of refugees as an option and not an obligation. (For details, please see DLI Framework: Section IV, paras. 84–93 below).

17. Central to the success of this strategy is the attitude of the host government and the local authorities as well as the commitment on the part of the donor community to provide additional assistance.

Resettlement

18. To achieve a more equitable sharing of burdens and responsibilities and to build capacities to receive and protect refugees and to resolve their problems on a durable basis, one of the objectives of Goal 3 of the Agenda for Protection is to use resettlement more effectively as a tool of burden sharing. The Working Group on Resettlement, presently chaired by Canada, is examining this issue with a particular focus on the strategic use of resettlement, on expanding resettlement opportunities and enhancing resettlement capacities.

E. Conclusion

19. Durable solutions for refugees cannot be attained by UNHCR alone. This task requires United Nations system-wide consideration and systematic inclusion of this group into the relevant planning and programming instruments. The aim of working in partnership with the World Bank, bilateral development partners and the United Nations is that such a cross-cutting concern will be seen as a collective task and that sister agencies, the donor and development communities will inscribe this imperative on their agenda. In this way, the opportunities could be maximised in better responding to the challenges inherent in refugee and returnee issues today.

II. DAR FRAMEWORK: DEVELOPMENT ASSISTANCE FOR REFUGEES

A. Introduction

20. The Agenda for Protection calls for sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees (Goal 3).
21. DAR is additional development assistance for: improved burden-sharing for countries hosting large numbers of refugees; promoting better quality of life and self-reliance for refugees pending different durable solutions; and, a better quality of life for host communities.
22. During the 53rd session of the Executive Committee in 2002, Member States endorsed the “Agenda for Protection”, which is the outcome of the Global Consultations on International Protection, aimed at ensuring better global management of refugee problems. The United Nations General Assembly welcomed the Agenda for Protection during 2002.
23. The Agenda for Protection offers both a realistic and ambitious way forward. It is realistic because it reflects a shared understanding of protection challenges deriving from the broad, participatory dialogue nurtured by the Global Consultations. It is ambitious because it recognises that improved refugee protection can only be achieved through considerably enhanced multilateral cooperation and through shared commitment to implement new, practical arrangements in particular to actively promote solutions.
24. Building on past initiatives, UNHCR is actively exploring areas that would benefit from further standard-setting to enhance protection and durable solutions for refugees. The High Commissioner launched “Convention Plus”, that advocates special agreements that could supplement the 1951 Convention for improved burden and responsibility sharing, and requests countries in the North and South working together to find durable solutions for refugees. Among the potential subjects for Convention Plus agreements, one special agreement is for the better targeting of development assistance to countries hosting large numbers of refugee populations over protracted periods of time. To support these countries, the High Commissioner proposed Development Assistance for Refugees (DAR), an integrated approach which is not only for promoting improved asylum for refugees but also and largely for improved burden sharing for hosting large numbers of refugees. In articulating this proposal, the High Commissioner has duly taken into consideration views expressed by several countries hosting large numbers of refugees, notably during consideration of UNHCR’s report to the UN General Assembly in November 2002.

B. Background

25. The majority of countries hosting large refugee populations are developing and poor countries. During 1997-2001, developing countries hosted some 66 % of the global population of concern to UNHCR; the share of the 49 Least Developed Countries (LDCs) alone amounted to almost 30 %. In these countries and other host developing countries, refugees are often accommodated in remote areas that are characterized by poverty; invariably these areas and the people who live there, are not a priority for development assistance.

26. The situation is compounded in those countries that have been hosting large refugee populations over protracted periods of time; this tends to aggravate the longer-term economic and social impact of the refugee presence which, if ignored, can spark off resentment, and even instability. The tendency to think of refugees as a burden under these circumstances is understandable.

27. On the other hand, refugees bring human and material assets and resources. They are people with tremendous courage, determination and potential to thrive - a potential demonstrated time and again by them. Refugee women in particular have shown resilience and survival skills. When given the opportunity refugees become progressively less reliant on State aid or humanitarian assistance, attaining a growing degree of self-reliance and becoming able to pursue sustainable livelihoods, equally contributing to the economic development of the host country.

28. Confining refugees however, to humanitarian assistance for years on end, often deprived of the right to freedom of movement and without access to education, skills training and income-generating opportunities prevents them from developing their human potential and limits their ability to systematically make a positive contribution to the economy and society of the asylum country.

29. UNHCR's Global Objectives for 2003, as formulated in its Annual Programme Budget⁴, include calls for sharing the burden and responsibilities more equitably among all actors and building capacities to receive and protect refugees. Such objectives are part of the Agenda for Protection. Those of particular relevance are as follows:

- better responsibility-sharing arrangements to shoulder the burdens of first-asylum countries⁵;
- anchoring refugee issues within national and regional development agendas⁶;
- redoubling the search for durable solutions through the realisation of comprehensive durable solutions strategies, especially in protracted refugee situations; the achievement of self-reliance for refugees; and the rehabilitation of refugee-impacted areas in former host countries⁷.

C. DAR – Development Assistance for Refugees

30. In his Opening Statement to the Executive Committee of UNHCR in 2001, in response to suggestions made by some governments, the High Commissioner announced a renewed focus on finding durable solutions for refugees. To achieve this, he stressed the need to find a more effective way to close the gap between emergency relief and longer-term development. In this respect, DAR, the additional development assistance is not only for promoting self-reliance for refugees but also and largely for improved burden sharing for hosting large numbers of refugees. The debate in the 57th session of the United Nations General Assembly in 2002 has greatly emphasized this latter aspect.

⁴ A/AC.96/964

⁵ Agenda for Protection, Goal 3, objective 1, actions 1 and 6

⁶ Idem, Goal 3, objective 5, actions 1 and 2

⁷ Idem, Goal 5, objectives 1, 7 and 8

31. DAR would be applied in protracted refugee situations equipping refugees for any of the three durable solutions, i.e. repatriation to their country of origin, local integration in the country of asylum or resettlement to a third country. The general aspect of DAR would be better quality of life and self-reliance for refugees as well as a better quality of life for host communities.

32. The DAR approach is essentially one of broad-based partnerships between governments, humanitarian and multi- and bilateral development agencies. The mix of partnerships may vary from country to country, but an invariable and essential component will be the commitment of the relevant host government and the related central and local authorities.

D. Elements of a DAR programme

33. The overarching inspiration to promote additional development assistance for refugees is improved burden sharing, improved quality of asylum and better quality of life for refugees and their hosts. DAR aims to achieve and facilitate the following:

- burden sharing with the host country;
- compensation for the burden aspect of the host community;
- development of the host country;
- development of the host community;
- gender equality, dignity and improved quality of refugee life;
- empowerment and enhancement of productive capacities and self-reliance of refugees, particularly of women, pending durable solutions.

34. In order for refugees to attain an improved quality of life through empowerment and self-reliance, there is a need for:

- political will of the host government to consider refugees as catalysts for and contributors to local development; and,
- refugees to have access to socio-economic activities.

35. The basic criterion for a good programme is self-reliance. In protracted refugee situations however, refugees - sometimes for decades - remain dependent on humanitarian assistance. One essential key to solving such situations is political; but, in the meantime, a facilitating element of any durable solution is development. Here, however, is the problem: the engagement of the relevant actors to address a situation invariably marked by lack of interest. This can be attributed to three factors: firstly, refugees are not part of the host government's political constituency and are thus not included in national development plans; secondly, refugees are often located in remote areas, which are not a regional priority for the host government; and thirdly, they are not part of activities undertaken by development actors, as development actors will normally follow the priorities of the recipient government. Thus refugees and their hosting population remain an excluded and marginalized group. Development Assistance for Refugees aims to address this in an integrated manner.

E. Durable solutions

36. Empowerment, particularly of women and enhancement of productive capacities and self-reliance of refugees through DAR would lead equipped and capacitated refugees to either of the durable solutions i.e. repatriation to their country of origin, local integration in the country of asylum or resettlement to a third country.

Repatriation

37. In post-conflict situations in countries of origin, the High Commissioner proposed an integrated approach known as “4Rs” (Repatriation, Reintegration, Rehabilitation and Reconstruction). This approach brings together humanitarian and development actors and funds. The aim is that greater resources should be allocated to create a conducive environment inside the countries of origin so as to, not only prevent the recurrence of mass outflows, but also facilitate sustainable repatriation. This initiative is being piloted in Eritrea, Sierra Leone, Sri Lanka and Afghanistan and has clear linkages with the government, development actors such as UNDP, World Bank, UNICEF and WFP, the donor community and bilateral aid agencies.

Local Integration

38. With regards to cases where local integration of refugees in countries of asylum is a viable option, the High Commissioner has proposed a strategy called “Development through Local Integration”, or “DLI”. In situations where the State opts to provide opportunities for gradual integration of refugees, DLI would solicit additional development assistance with the aim of attaining a durable solution in terms of local integration of refugees as an option and not an obligation.

39. Central to the success of this strategy is the attitude of the host government and the local authorities as well as the commitment on the part of the donor community to provide additional assistance.

Resettlement

40. To achieve a more equitable sharing of burdens and responsibilities and to build capacities to receive and protect refugees and to resolve their problems on a durable basis, one of the objectives of Goal 3 of the Agenda for Protection is to use resettlement more effectively as a tool of burden sharing. The Working Group on Resettlement, presently chaired by Canada, is examining this issue with a particular focus on the strategic use of resettlement, on expanding resettlement opportunities and enhancing resettlement capacities.

F. Additional development assistance

41. Traditionally, refugee needs have been considered to be of a humanitarian nature. Humanitarian assistance, however, can only address the immediate needs of refugees, while development aid has a greater potential in terms of assisting the empowerment of refugees and enhancement of productive capacities and self-reliance pending durable solutions; in and

allowing them to be instrumental in reducing poverty and contributing positively to the development process in the areas where they live. The empowerment of displaced population is also reflected in the Report of the Commission on Human Security.

42. It is therefore welcomed that there is an increased awareness and appreciation amongst the international community that unless refugees are allowed to become more productive, they will remain passive recipients of humanitarian assistance and continue to live in idleness and despair. This is particularly true of male refugees, whose previous status has been diminished and who feel disempowered by changes in gender roles and responsibilities. The high incidence of violence, exploitation and other criminal activities are disturbing manifestation of this. Moreover, displaced populations, if not assisted, may become a new or continuing source of conflict. Inadequate assistance and protection may furthermore result in secondary movements, propelling refugees into onward movements to countries, where they hope protection and better living conditions will be secured.

43. In this context, it is a positive sign that many donor countries are increasingly aware of the need to enhance protection and assistance for refugees in the regions of origin.

44. As most refugees live in developing countries, the majority of refugee hosting countries qualifies for and receive development assistance. DAR presupposes that assistance given to promote self-reliance of refugees and to improve the quality of life of refugees and their host communities is additional. If not, the poor refugee hosting countries will see 'their' aid be lost to refugees. Such situations would risk creating tensions between refugees and the local population and would not be in line with the spirit of burden-sharing inherent in DAR.

45. The trend for development agencies, bilateral and multilateral, to focus increasingly on poverty reduction, good governance, gender equality, HIV/Aids as core objectives in meeting Millennium Development Goals apply equally to displaced populations. The human development studies show that displaced population lack vital networks (informal jobs, small businesses, and remittances etc.) that the local population may have. Host population can help change the situation of refugees.

46. A welcome sign in this regard is that many donors are developing instruments to address transition situations as exemplified by the EU's LRRD (Linking Relief, Rehabilitation and Development), the Norwegian Transitional Budget Line, the Danish Transitional Budget Line, Japan's Peace building Grant Aid and Trust Fund for Human Security and the G8 Action Plan for Africa.

47. DAR could be funded through bilateral channels, i.e. DAR could form part of bilateral aid agreements between donor countries and recipient states; through multilateral channels; or through bilateral channels whereby projects and programmes could be monitored by multilateral agencies, including UNHCR.

G. Operationalizing DAR

48. The host government should take the lead and own the process, while UNHCR would play a substantial role in bringing the partners together and facilitating the process. UNHCR

would also actively assist in terms of its extensive field presence and monitoring and supervision capacity, both at the planning and implementation stages.

49. The DAR programming approach would be an integrated one, aimed at creating an improved and conducive situation for: better protection; refugees to become productive members of their host communities; and, improvement of quality of life of host communities and refugees, thereby realising poverty reduction, promoting peace, security and stability in the region.

50. Upon agreement of the government to undertake a DAR programme, the UN Country Team (UNCT), in particular the World Bank, UNDP, UNICEF, WFP, ILO and FAO, could be engaged to work with the government and bilateral and multilateral donors, in the conceptualization of and advocacy for DAR. This also implies that both humanitarian and development actors would be part of the dialogue with the government on the planning of area development from the beginning. UNHCR will ensure, through an appropriate consultative process, that relevant UN entities are fully sensitized with this draft framework.

H. Stages of a DAR programme

51. Undertake a consensus building through a consultative process led by the government with the aim that humanitarian and development actors, bilateral and multi-lateral agree upon a DAR approach.

52. Set up an Operational Information Management system based on preliminary assessments using gender analysis to understand the capacities and roles of women and men and gender differentiated impact of possible activities, potential of refugee hosting areas, and analysis of who is doing what, where. UNHCR and its partners would develop a better understanding of the coping mechanisms and livelihood strategies employed by women, men and children in both the refugee and local populations. UNHCR should also share profile of refugees, based on both sex and gender data, which could link the skills and knowledge to productive activities.

53. Carry out joint planning with an integrated approach to realise a credible DAR programme. Planning should be carried out with the UNCT, in particular with the World Bank, UNDP, UNICEF, ILO, FAO and WFP, and bilateral and multilateral donors. This will be better achieved if prior commitments have been fully secured in the above mentioned consultative process.

54. Agree upon a joint implementation strategy with all partners. The government with strong support of development and humanitarian actors should carry out the co-ordination for DAR.

55. Agree upon a resource mobilisation strategy for DAR, which should be jointly planned by partners and led by the government. UNHCR as member of the UNCT would play an active role in resource mobilisation seeking direct funding and parallel financing for the totality of the DAR programme. Flexible funding strategies need to be developed to support DAR programmes.

56. Promote systematically refugees on the development agenda. Any DAR programme would be developed within the existing development framework and eventually form part of donor co-ordination fora, CCA/UNDAF and PRSP.

I. Role of UNHCR

57. Operationally, UNHCR would continue to focus on its protection role. The emphasis of the assistance component of its programme, however, would shift gradually from assistance only, to self-reliance and empowerment, as the DAR projects take roots. This will enhance UNHCR's efforts in meeting the obligations of protection of refugees in a cost-effective way, in improving the quality of asylum and in preparing the refugee population for durable solutions.

58. More specifically UNHCR would:

- gradually integrate education, health, agriculture, livelihood - income generating activities, and water and other sector activities in the area development programme of the government - making better use of existing resources by linking up with development programmes;
- build capacities of government and other partners. Support co-ordination, planning, monitoring and supervision;
- ensure that refugees are systematically included in development planning;
- facilitate efforts to obtain permits for refugees to move freely and be engaged in self-reliance activities; and
- continue to catalyse resources and assistance for refugee hosting communities.

J. Advantages of a DAR programme

59. In summary, the advantages of a DAR programme could be the following:

- a) From the perspective of refugees
 - enhanced capacity to progressively attain a degree of self-reliance and to become able to pursue sustainable livelihoods;
 - human development;
 - diminished violence and exploitation.
- b) From the perspective of host community
 - improved economic opportunities and development of area in general;
 - contribution by refugees, without discrimination or exploitation, to the economic development of the host community.
- c) From the perspective of host government
 - avenues opened for additional funding through inclusion of refugees in national development policies;
 - poverty alleviated in refugee-hosting communities, often located in remote and neglected areas, by developing additional services;

- disparities between refugees and hosting communities reduced, thus diminishing frictions and contributing to peace building, conflict prevention and better security at all levels.

d) From the perspective of donors

- opportunities provided and objectives met in relation to the Millennium Development Goals;
- proposed approach benefited donors in the sense that it would enable them to focus resources on productive activities and human development, rather than long-term refugee care and maintenance programmes;
- the incentive to secondary movement of refugees reduced.

e) From UNHCR's Perspective

- the responsibilities of assisting displaced populations are shared more broadly, with an increase in the resource base for activities through direct and parallel financing;
- the foundations laid for longer-term sustainable programmes leading to durable solutions, rather than maintaining costly and protracted assistance programmes;
- once voluntary repatriation become a viable option, reintegration will be facilitated because self-reliant refugees are better equipped to restart their lives and the first ones to go home on their own to contribute to the development, reconstruction, and peace building processes in their own country.

II. 4Rs FRAMEWORK: REPATRIATION, REINTEGRATION, REHABILITATION & RECONSTRUCTION

A. Introduction

60. 4Rs is a programme concept referring to the related repatriation, reintegration, rehabilitation and reconstruction processes of a given operation and which aims to ensure linkages between all four processes so as to promote durable solutions for refugees, ensure poverty reduction and help create good local governance. The concept provides an overarching framework for institutional collaboration in the implementation of reintegration operations allowing maximum flexibility for field operations to pursue country specific approaches.

61. While development programmes are in the process of maturing, UNHCR would focus on supporting activities that facilitate the initial reintegration/reinsertion of returnees. This means, amongst others, monitoring protection agreements, providing for the repair or reconstruction of family shelters, supporting small scale micro-credit schemes and other types of productive activities, and reviving, within the national/regional strategies, essential water, educational and health services in returnee communities. Such an approach should also serve as a framework for the co-ordinated phase out of UNHCR and phase in of development agencies.

62. The guiding principles and critical success factors for this integrated approach are:

- a) ownership by host governments of the processes which the 4Rs concept embodies;
- b) integrated planning process at the country level by the United Nations Country Team;
- c) strong institutional cooperation and commitment to support punctually and at decisive moments, the needs and efforts of country teams to bridge essential gaps in transition strategies; and,
- d) participation of the plethora of actors who form part of the development community – United Nations agencies bilateral and multilateral institutions.

63. The implementation of 4Rs is a collaborative effort shaped at country level, using existing co-ordination mechanisms such as the CCA-UNDAF, CAP, CG, CAS, and PRSP processes.

B. Preamble

64. For millions of refugees, voluntary repatriation and reintegration remain the most preferred durable solution to their plight. The realization of this solution, however, involves complex and challenging processes requiring integrated and sustained action by the international community. One such challenge is presented in the effort to bridge the gap between relief and development. The smooth transition from emergency relief to longer-term development remains a key priority for the international community, particularly in post conflict situations.

65. Operational experience in many countries has shown that the gap between emergency relief and development cannot be bridged effectively with existing ad-hoc cooperation or

organisational approaches. Nor could any one of the international organisations deliver the necessary results on their own. Therefore, an innovative approach is called for, which is neither characterized as “humanitarian” nor “development”, but which is "*sui generis*".

66. While recognising comparative advantages and mandated responsibilities of the respective agencies, the 4Rs programme concept attempts to bring together humanitarian, transition and development approaches throughout the different stages of a reintegration process in a structured manner similar to the institutionalised DDR (Disarmament, Demobilisation and Reintegration) process. The strategic goal of this collective effort would be the achievement of sustainable solutions for displaced populations in an integrated manner, thus contributing to national recovery, and the consolidation of peace, stability and the foundation for longer-term development.

C. Key notions of 4Rs approach

67. The letter of the High Commissioner, Mr. Ruud Lubbers of 28 March 2002 to Mr. James Wolfensohn, President, The World Bank and Mr. Mark Malloch-Brown, Administrator, UNDP provided the conceptual framework for the 4Rs approach, which was further discussed at the Principals' meeting hosted at the World Bank on 6 May 2002. The aim is now to translate 4Rs into an operational modality.

68. The 4Rs is intended to serve as an overarching framework for institutional collaboration in the implementation of reintegration operations in post conflict situations at a global level. It is designed to allow maximum flexibility for field operations to pursue country specific approaches with support from their respective Headquarters.

D. 4Rs approach

69. While recognising comparative advantages and mandated responsibilities of the respective agencies, 4Rs programmes envisages UNHCR taking the lead on repatriation, and the lead on reintegration, rehabilitation and reconstruction would be agreed upon by the UN Country Team and the World Bank. The planning, programming and implementation of 4Rs programmes will be country driven/"bottom- up" and take place in an integrated manner with the strong engagement of the UN Country Team particularly UNDP, UNICEF, WFP and UNHCR, and bilateral and multilateral donors. The government will be at the heart of this process, showing strong commitment and assuming ownership of the entire process. The 4Rs programmes would form part of the existing mechanisms and instruments such as CCA, UNDAF, PRSP etc. In situations where such mechanisms are not yet in place, 4Rs would form part of the transitional recovery strategy of the government/transitional authority or of the UN and World Bank.

70. A comprehensive and institutionalised approach to reintegration would also help to produce a number of desired outcomes in an integrated manner. These include good local governance; protection of the rights of communities inclusive of returnees; improved social services including infrastructure; co-existence and confidence building; economic revival and livelihood creation; and, improved access to services.

E. Why a 4Rs approach?

71. After the initial reinsertion assistance provided by humanitarian actors, which is of an emergency nature, the subsequent process of reintegration to longer-term reconstruction does not occur in a seamless fashion. In the politically fragile environment which is characteristic of post-conflict situations, returnees are left in a deprived condition for extended periods without means and opportunities for the future, living in idleness and despair which breeds violence (especially against women), criminality and exploitation.

72. The needs of returnees have not systematically been incorporated in transition and recovery plans by governments concerned, the donor community and even the UN system. Returnees are often not part of the national development planning. In too many situations planning for development projects is done without taking into account the productive capacities of returnees.

73. Overlooking the needs of displaced populations in development planning and most importantly, their positive contribution to the society may have an impact on the country's rebuilding efforts. When reintegration is not sustainable many returnees may opt to return to their country of asylum. This is the phenomenon of back-flows that is witnessed in repatriation operations. *In Afghanistan, the UNHCR plan for returnees was not in the initial Needs Assessment. The problem was obviously the chosen paradigm. Returnees have needs including health, education, agriculture, etc. that are overlooked. While returnee needs were ultimately included under the ITAP process, it would have been advisable that critical needs assessment should have taken into account returnees, as they do have immediate and longer-term needs. Productive capacity of returnees and how to activate it are also usually over looked.* Reintegration of displaced populations need not represent an economic burden, instead these populations should be seen as a human capital that can contribute to the recovery process by becoming productive members of the society.

74. For return and reintegration to be sustainable and the displaced population sufficiently protected, their medium and longer-term needs must be addressed through system-wide consideration and systematic inclusion of this group into the planning and programming of rehabilitation and reconstruction processes. It is necessary, therefore, to plan durable solution operations for the displaced populations collectively in an integrated and comprehensive manner, rather than through separate components in isolation of each other.

75. An integrated and comprehensive 4Rs approach would also provide further opportunities for development agencies, bilateral and multilateral, to advance the Millennium Development Goals of poverty reduction, universal primary education, gender equality and empowerment of women, reduce child mortality, improve maternal health, combat HIV/Aids, ensure environmental sustainability and to develop a global partnership for development.

76. Furthermore as returnees are predominantly from rural areas, it is clear, as recognised by the World Bank in its Rural Development Strategy, that the international community would not be able to meet the objectives of poverty reduction unless it helps reduce rural poverty quickly. Similarly UNDP has interest in transition situations and in the search for solutions for crisis situations, promoting peace building, poverty reduction and viable socio-economic

empowerment of communities. Also many donors are developing instruments to address transition situations as exemplified by the EU's LRRD (Linking Relief, Rehabilitation and Development); the Norwegian Transitional Budget Mechanism and recent initiatives by the G8 on NEPAD.

F. Operationalizing 4Rs

77. UNHCR's tripartite dialogue with the governments of countries of origin and asylum usually commences as soon as there are indications of voluntary repatriation becoming an attainable solution. The focus of these negotiations relates to conditions for voluntary repatriation and the implementation of a repatriation programme (the first R) which barely touches the second R (reintegration), and far less the broader issues of national rehabilitation and reconstruction. Pursuing the 4Rs approach, by contrast, implies that the dialogue with governments systematically includes reference to all 4Rs since they represent a comprehensive 'package' to durable solution.

78. Operationally, UNHCR will continue to focus primarily on the repatriation component but is, by virtue of its alliance with UNDP and the World Bank, and strong engagement of UN Country Team, in particular UNICEF and WFP, bilateral and multilateral donors, equally involved in the needs assessment, and planning for the remaining three Rs. This also implies that the World Bank, UNDP, UNICEF and WFP will be part of the dialogue with governments from the beginning, rather than maintaining the current segregated and sequential approach in interacting with governments. In concrete terms, and in the context of the Tripartite Commission of UNHCR, government of origin and government of asylum, parallel discussions could be constituted in country of origin not only for Repatriation and Reintegration but also on Rehabilitation and Reconstruction components with the direct institutional efforts of the World Bank, UNDP, UNICEF and WFP and other development institutions, bilateral and multilateral. Countries of origin would be made responsible by signing instruments for the entirety of the durable solution, 4Rs, within an integrated and comprehensive framework.

G. Phases of a 4Rs approach

79. Operational Information management: In order to carry out informed programming an inter-agency operational information management system should be set up. UNHCR would share refugee profiles linking them with assessments of absorption capacity of home countries and determining how returnees can be instrumental in productive activities.

80. Integrated approach: UNDP, UNHCR and the World Bank together with UN Country Team, particularly UNICEF and WFP, and bilateral and multilateral donors should develop an integrated approach to realise 4Rs programme. This would include joint needs assessment, joint planning, joint implementation strategy and joint resource mobilisation.

- 1st R - repatriation - UNHCR would take the lead [direct/humanitarian & transition funding].
- 2nd R - reintegration - situation specific - UNHCR and UNDP would take the lead. [humanitarian, transition and development budget lines].

While development programmes are in the process of maturing, UNHCR would limit itself to supporting activities that facilitate the initial reintegration/reinsertion of

returnees. UNHCR could also assist other partners in terms of its extensive and early field presence, human resources and implementation capacity - comparative advantages the World Bank, UNDP, UNICEF and WFP have repeatedly recognized. Such an approach should also serve as a framework for the co-ordinated, phase out of UNHCR and phase in of development agencies (90%-10% -- 10%-90% approach). During reintegration, UNDP would catalyze consultation with receiving communities and district/provincial officials, mobilize aid for communities, improving services to all and local stimulation. With a community-based approach (as contrasted to beneficiary focus) UNDP and the World Bank will promote the linkage of 4Rs to CCA/UNDAF and national development plans.

- 3rd R - rehabilitation - UNDP to take lead in coordination with other development agencies [transition and development funding].
- 4th R - reconstruction - World Bank and UNDP to take lead [development funding].

81. Government concurrence and involvement is necessary for CCA/UNDAF and PRSP mainstreaming. It is important that the inputs related to 4Rs programme are well included in the process. In situations where there are no such mechanisms in place, 4Rs would form part of the transitional recovery strategy of the government or transitional authority or of the UN and World Bank.

H. Next steps

82. The objective of operationalizing a 4Rs approach would be pursued by having UNHCR, the World Bank, UNDP and the United Nations Country Team, in particular UNICEF and WFP to work together on specific pilot programmes. At its first focal points meeting in New York on 12 September 2002, the World Bank, UNDP and UNHCR determined Eritrea, Sierra Leone and Sri Lanka as pilot countries where work on 4Rs programmes is well under way. Consideration was also given to include Angola in due course and similarly Afghanistan, which is on its way to 4Rs.

83. The strategic goal of this collective effort would be national recovery that could contribute to the consolidation of peace and stability and lay the foundation for longer-term development. It is therefore, very important, as is the case in pilot countries, that the process takes a bottom-up approach, and that the joint team and the host government are fully committed. Each situation has a different tailor-made solution and lessons learned would be documented.

84. On the basis of successful and concrete on-going examples in Sri Lanka, Eritrea Sierra Leone and Afghanistan, a "Rules of Engagement for 4Rs" would be developed and adopted for other similar situations. Clear benchmarks to measure the progress, or lack thereof of the 4Rs programmes in pilot countries would also be developed in consultation with relevant partners in the process.

IV. DLI FRAMEWORK: DEVELOPMENT THROUGH LOCAL INTEGRATION

A. Introduction

85. In his opening statement to the Executive Committee of UNHCR in 2001, in response to suggestions made by some governments, the High Commissioner announced a renewed focus on finding durable solutions for refugees. To achieve this, he stressed the need to find a more effective way to close the gap between emergency relief and longer-term development. In this respect, the additional development assistance is not only for promoting self-reliance and local integration of refugees but also and largely for improved burden sharing for hosting large numbers of refugees. The debate in the UN General Assembly (57th session in 2002) has greatly emphasised this latter aspect.

86. Empowerment and enhancement of productive capacities and self reliance of refugees through Development Assistance for Refugees (DAR) would lead equipped and capacitated refugees to either of the durable solutions i.e. repatriation to their country of origin, local integration in the country of asylum or resettlement to a third country. With regards to cases where local integration of refugees is considered a viable option by a country of asylum, the High Commissioner proposed a strategy called “Development through Local Integration” (DLI). It is based on the understanding that those refugees, who are unable to repatriate and are willing to integrate locally, will find a solution to their plight in their country of asylum.

87. Central to the success of this strategy is the attitude of the host government and the local authorities. DLI therefore, is an option and not an obligation of a refugee hosting country and it builds on DAR. Equally important to the success of DLI strategy is the commitment on the part of the donor community to provide additional assistance.

88. Similar to DAR, the DLI programming approach envisions broad-based partnerships between governments, humanitarian and both multi-and bilateral development agencies. The mix of partnerships may vary from country to country, but an invariable and essential component will be the commitment of the relevant host government and the related central and local authorities for the local integration of refugees.

89. DLI would be applied in protracted refugee situations where the State opts to provide opportunities for the gradual integration of refugees. By soliciting additional development funds for durable solutions through local integration, better quality of life and self-reliance for refugees would be achieved along with improvements in the quality of life for host communities.

B. Key components of local integration

90. As a process, local integration would be characterised by the following components:

- Economic component: refugees become progressively less reliant on State aid or humanitarian assistance, attaining a growing degree of self-reliance and becoming able to pursue sustainable livelihoods. The process of local integration is greatly facilitated by refugees becoming self-reliant, since they become better able to interact with the local

population economically and socially. Economically integrated refugees contribute to the economic development of the host country rather than merely constituting a “burden”.

- Social and cultural component: interactions between refugees and local communities enable refugees to live amongst or alongside the host population, without discrimination or exploitation and as contributors to the development of their host communities.
- Legal component: refugees are granted a progressively wider range of rights and entitlements by the host State which are commensurate, generally, with those enjoyed by local citizens. These include freedom of movement, access to education and the labour market, access to public services and assistance, including health facilities, the possibility of acquiring and disposing of property, and the capacity to travel with valid travel and identity documents. Realisation of family unity is another important aspect of local integration. Over time the process should lead to permanent residence rights and perhaps ultimately the acquisition of citizenship in the country of asylum.

C. Operationalizing DLI

91. The host government, in a manner similar to the DAR and 4Rs (repatriation, reintegration, rehabilitation and reconstruction) programming approaches, should take the lead and own the DLI process with the engagement of the UN Country Team, IFIs and bilateral donors. UNHCR would play a substantial role in bringing the partners together and facilitating the efforts for local integration of refugees, including development of legal and institutional frameworks that foster productive activities and protect relevant civil, social and economic related rights process. UNHCR would also actively assist in terms of its extensive field presence and monitoring and supervision capacity, both at the planning and implementation stages.

92. The DLI programming approach would be an integrated one, aimed at creating an improved and conducive situation for refugees to become productive members of their host communities as well as improvements in the quality of life of host communities and refugees, realising poverty reduction, promoting peace, security and stability in the region.

D. Stages of DLI

93. The following would be the various stages of DLI:

- Agreement of the government and local authorities to local integration. In this regard refugees are progressively allowed to exercise effectively the rights granted to them by the 1951 Convention, particularly those rights which make it possible for refugees to engage in income generating activities, such as farming, trading or wage labour. The placement of a refugee settlement, for example, in an economically viable environment is of great importance.
- Consensus building and engaging development and humanitarian actors including bilateral and multi-lateral donors for a DLI programme. The host government will lead this process.

- Gathering operational information, including preliminary assessments, potential of refugee hosting areas, an analysis of who is doing what, where etc. UNHCR and its partners would develop a better understanding of the coping mechanisms and livelihood strategies employed by refugees and local populations. This includes a viable economic situation, availability of and access to land and resources, as well as receptive attitudes within the host community. The profile of beneficiary population including skills, capacities and their potential for self-reliance is equally important to draw up programmes.
- Integrated programming approach to realise a credible DLI programme will require working with the World Bank, the UN Country Team (UNCT), particularly UNDP, UNICEF, ILO, FAO and WFP, and bilateral and multilateral donors. This will be better achieved if prior commitments have been fully secured in the above mentioned consultative process.
- Developing joint implementation strategy building on existing structures and mechanism will require a consultative process with partners. The government with strong support of development and humanitarian actors should carry out the co-ordination process.
- Mobilising resource for DLI will be a government led strategy, developed in consultation with partners. UNHCR as member of the UNCT would play an active role in resource mobilisation for the totality of the DLI programme. Flexible funding strategies will be developed to support DLI programmes.
- Bringing refugees on the development agenda will include developing DLI programme within the existing development framework and eventually forming part of Common Country Assessment/UN Development Assistance Framework and Poverty Reduction Strategy Paper and bilateral development strategies (Country Strategy Notes/Papers etc.). The host government will lead this process.
- Developing legal and institutional frameworks that foster local integration including productive activities and protecting relevant civil, social and economic rights related, for example, to land, employment, access to services, freedom of movement, identity documents, and access to the judicial system. UNHCR will facilitate and support the government in this process.