

PROGRESS REPORT: CONVENTION PLUS

I. INTRODUCTION

1. Soon after the Convention Plus initiative was launched in mid-2003, there was a call for it not only to serve as a means to formulate generic understandings through the work of the Core Groups, but also to focus efforts on addressing and resolving the situation of specific groups of refugees. It was also understood that the outcomes of different strands and specific efforts would be mutually reinforcing and geared towards devising comprehensive multilateral responses to refugee problems. Over the course of the past year and a half, progress has been made towards realizing these objectives, but more needs to be done to apply the Convention Plus approach to specific refugee situations, in particular those that are protracted. The Framework of Understandings on Resettlement agreed in June 2004 and ongoing discussions on irregular secondary movement of asylum-seekers and refugees, and on targeting development assistance to achieve durable solutions to refugee problems, are providing tools to render international cooperation in addressing refugee-related challenges more robust and effective.

2. The responsibility to bring Convention Plus to the ground is a shared one and continues to require the firm commitment of States and other partners. For UNHCR's part, the key challenge in 2005 will be to successfully conclude the ongoing consultation process and incorporate the understandings reached therein into the approaches employed by UNHCR and its partners to resolve refugee problems, boost capacity to receive and protect refugees, and make headway in addressing irregular secondary movements. Beyond the political realities that impact on durable solutions in many situations, progress also hinges on far-reaching changes in the way UNHCR, States and relevant partners cooperate in engineering them and making them sustainable. The tools that have been and are being developed in the context of Convention Plus are not intended to stand alone; they provide a means to deepen cooperation for solutions, and as such they need to be utilized as part of comprehensive approaches.

3. This progress report provides an overview of the challenges being faced in putting Convention Plus into practice. It also highlights key developments in the three strands since the last meeting of the High Commissioner's Forum in October 2004.¹ Periodic updates prepared by the Convention Plus Unit have been posted on the Convention Plus page of UNHCR's public website (www.unhcr.org).

II. PUTTING CONVENTION PLUS INTO PRACTICE

4. Like many States, UNHCR is keen to make progress on agreements aimed at durably resolving specific refugee situations, particularly those that are protracted. Experience has demonstrated, however, that there is simply no "quick fix". The set of understandings being developed under the various strands of Convention Plus, when applied in specific situations, need to be tailored to the unique circumstances of each. Agreements that can be reached in advance on principles and understandings will facilitate the preparation of multilateral agreements and comprehensive plans of action. While this assertion has yet to be put in practice, the crafting and presentation of multilateral frameworks and understandings under each of the strands continues to be oriented towards this goal. Progress towards achieving this depends greatly on the continued constructive and forward-looking engagement of UNHCR's partners.

¹ It builds upon the updates presented to the two previous meetings of the High Commissioner's Forum, contained in documents FORUM/2004/2 of 13 February 2004 and FORUM/2004/5 of 7 September 2004.

5. Since the launch of the initiative, greater attention is being paid to protracted refugee situations. A report presented by UNHCR to the June 2004 meeting of the Standing Committee², prepared in follow-up to the Agenda for Protection, not only provided information on the dimensions of the problem³, but also highlighted the range of tools and approaches being developed by UNHCR to bring about durable solutions. This was just a first step. Linked to this was the design of a methodology to review protracted refugee situations on a more regular basis and assess the opportunities for comprehensive approaches. The methodology was submitted to the last meeting of the High Commissioner's Forum⁴ and broadly welcomed. Following the discussions in the Forum, the methodology is being incorporated into the annual reporting requirements of UNHCR's Regional Bureaux. Directors will henceforth be required to more regularly and proactively analyse protracted refugee situations in their regions and assess the opportunities for comprehensive approaches to resolving them. It is encouraging to note that this methodology is already being utilized by the Africa Bureaux to review long-standing refugee situations in West Africa.

6. The reinvigorated focus on durable solutions being fostered through Convention Plus and related initiatives is evident in a number of operations⁵. The "Afghanistan Plus" initiative, for instance, is developing a more comprehensive policy framework within which displacement may be managed, as a wider migration and poverty-eradication issue. During the period of transition between humanitarian engagement and longer-term interventions to enhance sustainable reintegration, UNHCR is working with asylum countries to strike a workable balance between Afghanistan's absorption capacity and the high rate of returns. In the longer-term, managed migration will be an essential element of any formula for sustainable durable solutions for Afghans.

7. At a recent strategic planning meeting in February 2005, jointly hosted by the European Commission and UNHCR, there was broad endorsement by participants that continuing support for Afghanistan's reconstruction and for the management of population movements as part of normalized bilateral and regional relations should be the key objectives for the coming years. Progress in these areas will enhance sustainable reintegration and differentiated solutions for the remaining Afghan populations in the neighbouring countries. To achieve this, there was agreement that development and technical cooperation interventions and funding should increasingly replace humanitarian aid in the years to come. Deliberations undertaken in the context of Convention Plus, in particular those focused on enhancing the targeting of development assistance, have a bearing on the implementation of this strategy.

8. As part of a wider effort to implement the Convention Plus initiative in the field, UNHCR and ECOWAS will be convening a regional experts meeting on durable solutions in West Africa, to be hosted by the Government of Ghana from 30 May to 1 June 2005. The stated objectives of this event are: to document the main challenges faced and the progress achieved in finding durable solutions for displaced populations in West Africa; to develop, with all the relevant stakeholders in the region, an action plan to consolidate gains and accelerate the search for durable solutions; and to foster and/or strengthen partnerships among stakeholders – governments, intergovernmental organizations, civil society, local communities (hosts and displaced populations), United Nations agencies, donors and the wider international community – to support efforts to find and sustain solutions for displaced populations in the region. Institutional, programming and policy dimensions of partnerships will given due regard in these discussions. Resources permitting, this methodology will gradually be extended to other sub-regions in Africa, as well as to other parts of the world.

² EC/54/SC/CRP.14.

³ "It is estimated that, at the end of 2003, there were 38 different protracted refugee situations in the world, accounting for some 6.2 million refugees in total." *Ibid*, para. 5.

⁴ *Making Comprehensive Approaches to Resolving Refugee Problems More Systematic* (FORUM/2004/7), submitted to the third meeting of the High Commissioner's Forum, October 2004.

⁵ See also FORUM/2004/3, Annex.

9. The Convention Plus initiative has also stimulated efforts to develop a Comprehensive Plan of Action (CPA) for Somali refugees⁶ under the direction of UNHCR's Bureau for Africa. While the complexity of this undertaking is daunting, UNHCR is continuing to explore all opportunities to bring the CPA to fruition. In line with this effort, UNHCR participated in a recent mission undertaken on behalf of the UN Development Group (UNDG) in preparation for the Joint Needs Assessment (JNA) for Somalia. It is already foreseen that refugees and internally displaced persons will be included in the *Livelihoods and Reintegration Strategies* cluster of the JNA. Given the complementarity between the CPA and JNA, UNHCR is keen to establish linkages between these two initiatives.

10. The Strengthening Protection Capacity Project (SPCP) is another example of partnership in action, using a multilateral focus set out in the Agenda for Protection and promoted by the Convention Plus initiative. Under the leadership of the Department of International Protection, the project seeks to devise tools and approaches to strengthen the capacity of host States to receive and protect refugees, including enhancing their means of self-reliance and expanding opportunities for durable solutions. It is currently underway in four African countries⁷. The success of the SPCP initiative is predicated on strong partnerships between all concerned including the donors, host States, UNHCR, and other key stakeholders. It also draws upon the expertise of various UNHCR specialist sections to ensure an inclusive and coordinated approach to building protection capacities.

11. The SPCP has developed a Framework for Identifying Gaps in Protection Capacity that is designed to examine the protection situation of refugees from admission until durable solutions are found and to identify the needs and challenges faced by communities hosting refugees. The Framework is also being used in strengthening protection capacity initiatives in Central Asia, Eastern Europe, other parts of Africa, and by partners as a protection assessment tool. Using this Framework, the SPCP has generated comprehensive protection gaps analyses in each of the countries under review. These analyses are the reference documents for SPCP national consultations in each country involving all relevant stakeholders, including host countries, donors, UNHCR, international and national partners and refugees. A national consultation was held in the United Republic of Tanzania in early April 2005, where over 100 recommendations on how to strengthen protection capacity were agreed upon. A follow-up plan of action has been drafted and will be implemented by UNHCR and partners according to agreed upon timeframes, and subject to available funding. A similar consultation will take place in Nairobi on 17 and 18 May 2005, focusing on strengthening protection capacity in Kenya and contributing to the CPA for Somali refugees. SPCP consultations are scheduled to take place in Benin and Burkina Faso in June 2005.

III. THE STRATEGIC USE OF RESETTLEMENT

12. The Core Group for this strand of Convention Plus completed its work in June 2004 upon reaching agreement on the contents of the *Multilateral Framework of Understandings on Resettlement* (MFU), which was subsequently presented to the High Commissioner's Forum and welcomed by the Executive Committee of the High Commissioner's Programme (ExCom)⁸. These "generic" understandings on resettlement reflect the concerns and expectations of a cross-section of States and partners and will assist in developing situation-specific agreements to achieve durable solutions. Among the ambitions of the Framework is to see

⁶ *Preparatory Project for the Elaboration of a Comprehensive Plan of Action for Somali Refugees* (FORUM/2004/8), submitted to the third meeting of the High Commissioner's Forum, October 2004.

⁷ Benin, Burkina Faso, Kenya and the United Republic of Tanzania and funded by the European Commission, and the governments of Denmark, the Netherlands and the United Kingdom.

⁸ *Multilateral Framework of Understandings on Resettlement* (FORUM/2004/6) dated 16 September 2004 and *Report of the Fifty-fifth Session of the Executive Committee of the High Commissioner's Programme* (A/AC.96/1003), 12 October 2004.

more resettlement opportunities being provided to refugees in tandem with other durable solutions, in particular as a means to address protracted refugee situations. Flexibility will be required, as well as commitment to implement the MFU in practice. As reflected in the MFU, UNHCR hopes that resettlement countries will indeed develop selection criteria to provide themselves with the flexibility to resettle persons of concern to UNHCR who may not fall within the terms of the 1951 Convention and, in this endeavor, to consider the refugee definitions contained in the 1969 OAU Convention governing the specific aspects of refugee problems in Africa and/or the 1984 Cartagena Declaration on Refugees.

13. One area of innovation, which the Multilateral Framework encourages UNHCR to pursue, is expanding the use of “group resettlement”. The Office has made good progress in conducting group resettlement for refugees in Guinea, Kenya, Sierra Leone and Yemen that are in various phases of processing. This work will continue and intensify in 2005. As highlighted above, however, more strategic use of resettlement combined with more extensive use of group resettlement will hinge on greater flexibility in terms of criteria. The process of identifying caseloads, additional to those mentioned above, which might lend themselves to application of the MFU is underway. For example, the situation of refugees and asylum-seekers from the Central Highlands of Viet Nam in Cambodia has been the subject of discussion.

14. Also in line with the MFU and the ambition of the Agenda for Protection is the Mexico Declaration and Plan of Action, adopted last November in connection with commemoration of the 20th anniversary of the Cartagena Declaration. Implementation of the Plan of Action opens new prospects for broadening the number of countries willing to offer resettlement. It is recognized, however, that this also poses challenges in terms of building the resettlement capacity and expertise of Latin American States. Major resettlement partners are encouraged to work closely with UNHCR and countries in the region hosting large numbers of Colombian refugees to implement the *Solidarity Resettlement* component of the Mexico Plan of Action. This innovative south-south resettlement initiative will provide more resettlement opportunities to Colombian refugees as a tool of protection, while also demonstrating solidarity among States in the Latin American region in addressing the region’s largest refugee situation.

15. The *Hague Programme* is the European Union’s new multiannual programme in the area of justice, liberty and security. Pursuant to a Conclusion of the General Affairs Council of November 2004, the *Hague Programme* will develop the notion of “Regional Protection Programmes” (RPPs) that dovetail in many ways with Convention Plus. The Council has asked the Commission to present an action plan for one or more pilot RPPs, including proposals for resettlement initiatives, to be drawn up in “close liaison” with UNHCR, by July 2005 at the latest, with the aim of launching one or more by end 2005.

IV. ADDRESSING IRREGULAR SECONDARY MOVEMENTS OF REFUGEES AND ASYLUM-SEEKERS

16. The Executive Committee in Conclusion 58 (XL) provided useful guidance on the question of how to address irregular secondary movements of asylum-seekers and refugees. Nevertheless, it remains a challenging issue. The phenomenon is international by its very nature. Hence, tackling both the causes and consequences of irregular secondary movements can be addressed most effectively through concerted multilateral action by States, built upon the practice of international solidarity and burden-sharing.

17. Much of the work on this strand of Convention Plus to date has tried to shed light on the complexities of the issues involved and on the contours of possible State responses. The work has also been progressively informed by a survey of onward movements of Somali refugees and asylum-seekers⁹, commissioned from the

⁹ Surveys are being conducted in the following countries: Djibouti, Egypt, Ethiopia, Italy, Kenya, the Netherlands, South Africa, Switzerland and Yemen.

Swiss Forum for Migration and Population Studies, which is shedding light on the protection and non-protection-related causes of the movements of Somalis. On 24 November 2004, the Core Group¹⁰ for this strand, facilitated by South Africa and Switzerland, met to discuss the issue of human rights principles applicable to responsibility and burden-sharing arrangements, based on a presentation by Amnesty International. Approaches taken by the European Union with regard to the sharing of responsibilities, as well as other regional practices and experiences, were also considered.

18. The Core Group met again on 31 January 2005 to consider the issues of identifying and registering refugees and asylum-seekers on the move, and the provision of more regular avenues for refugees and asylum-seekers to find protection. On 23 February 2005, the Core Group convened to examine the reasons for onward movements and ways in which States can better work together in addressing them, as well as means to strengthen protection capacities at national level and enhance prospects for durable solutions. The Core Group has also received and discussed the preliminary findings of the survey of onward movements of Somali refugees and asylum-seekers.

19. The above meetings informed the drafting of a framework of understandings for this strand. The Core Group did a first reading of the draft framework on 23 March 2005 and it will be discussing a revised draft on 9 and 11 May 2005.

V. TARGETING DEVELOPMENT ASSISTANCE TO ACHIEVE DURABLE SOLUTIONS

20. Drawing upon ongoing practice and pilot schemes that have been developed both within a UNHCR context and by bilateral donors, UNHCR prepared an *Issues Paper on Targeting of Development Assistance* in June 2004 as a means to take forward the discussions on this strand. The paper received broad support from donors and United Nations partners at a meeting organised on 22 September 2004. Useful comments were also received from the African Group.

21. In addition, UNHCR prepared a study of Poverty Reduction Strategy Papers from a displacement perspective. In total, 23 PRSPs and I-PRSPs covering countries of return as well as countries of asylum, were reviewed. The most significant finding was that displacement issues do not feature in the majority of PRSPs and I-PRSPs. Another interesting finding was the persistent characterization of displaced people as a burden, contributing to poverty. The study also establishes that there is no systematic approach as to how to include displacement issues in the PRSPs. As a consequence, UNHCR is presently working with the World Bank in the context of the ongoing World Bank and IMF review of the PRSPs on ways to rectify this state of affairs.

22. Both these documents and the ensuing discussions provided the basis for the preparation of a *Statement of Good Practice on Targeting Development Assistance for Durable Solutions to Forced Displacement*¹¹, which is being presented to the fourth meeting of the High Commissioner's Forum. An Open Meeting was convened in Geneva on 28 April 2005 to discuss a first version of the Statement of Good Practice and its annexes. The Forum will also be presented with another background document entitled

¹⁰ ISM Core Group members: Algeria, Argentina, Australia, Austria, Bangladesh, Brazil, Denmark, the Dominican Republic, Egypt, Ethiopia, Germany, Ghana, India, Islamic Republic of Iran, Italy, Japan, Kenya, Mexico, Morocco, Nigeria, the Netherlands, Spain, South Africa (co-Facilitator), Sweden, Switzerland (co-Facilitator), Turkey, the United Kingdom, the United States of America, the European Commission, IOM, the Dutch Refugee Council, ICVA, ICMC, Human Rights Watch, JRS, Amnesty International and the Women's Commission for Refugee Women and Children.

¹¹ FORUM/2005/3

*Putting refugees on the Development Agenda*¹², which seeks to show how the strategic targeting of development aid towards areas and communities hosting refugees, returnees and internally displaced persons can enable those communities, and the displaced populations themselves, to achieve the Millennium Development Goals. It is hoped that this message, and the positive examples underpinning it, will be duly represented at the General Assembly High Level Event, “Millennium Summit +5” in September 2005.

23. At the field level, the Uganda DAR is advancing well, with Denmark leading the effort in the field and mobilizing other donors both in Geneva and in the field. In the case of Ethiopia, Japan’s Human Security Trust Fund pilot project is seeking to activate a broader recovery agenda, allowing other donors to buy-in to this process. To achieve this, it is essential that the national and regional authorities in Ethiopia receive assistance in developing comprehensive development strategies. The other pilot project, inside Somalia, can be an important building block for the Somali CPA.

VI. MANAGEMENT OF THE INITIATIVE

24. The Convention Plus Unit, established by the High Commissioner in October 2003 to guide and service the initiative, continued to work closely with facilitating and other interested States and organizations to further advance the development of understandings and commitments to achieve durable solutions and address irregular secondary movements. The Unit is fully funded in 2005 thanks to contributions received from a number of States.

25. The Convention Plus Unit is in the process of mainstreaming its work into the ongoing activities of the Office. Given that the “engine” role played by the Unit has proven to be an effective mechanism to develop multisectoral and multifunctional approaches to solutions, a decision on the future of the Unit is being reserved until such time that the senior management can determine how to enhance this role beyond 2005.

¹² FORUM/2005/4