

MAKING COMPREHENSIVE APPROACHES TO RESOLVING REFUGEE PROBLEMS MORE SYSTEMATIC

I. INTRODUCTION

1. Comprehensive plans of action (CPAs) have in the past proved successful in resolving long-standing refugee problems. As the number of protracted refugee situations has increased in the last decade, and their average duration correspondingly risen, there has been renewed interest in using comprehensive strategies to deal effectively with them¹. Redoubling the search for durable solutions through comprehensive approaches was highlighted during the Global Consultations process, was a focus of attention of the UNHCR 2004 process, is a specific goal in the Agenda for Protection², and is central to the Convention Plus process.

2. Most recently the discussion of protracted refugee situations during the 30th meeting of the Standing Committee in June 2004, highlighted how the tools being developed through Convention Plus can converge into a comprehensive strategy to address particular refugee situations. The multilateral frameworks of understanding being developed through the Convention Plus process can be applied together in a comprehensive plan of action to resolve protracted and/or pressing refugee situations before they become so.

3. The purpose of this paper is to examine what is meant by a comprehensive approach, when a comprehensive approach should be pursued and what roles UNHCR, States and other actors can play in implementing them. It proposes a new procedure to oblige the Office to engage more systematically in situations requiring strong political and financial support to unblock durable solutions.

4. UNHCR's starting point is that protracted refugee situations are unacceptable³. Therefore, where they exist, it is incumbent on UNHCR, States, United Nations and other partners to address them more systematically and resolutely. Moreover, the most appropriate moment for devising comprehensive approaches is at the onset of a refugee movement and not after the situation has become entrenched. While the focus of this paper is on protracted refugee situations, UNHCR and States may also wish to consider how the approach developed in this paper can be applied to refugee situations before they become protracted. Included in annex I are some current examples.

¹ See EC/54/SC/CRP.14 of 10 June 2004, submitted to the 30th meeting of the Standing Committee.

² A/AC.96/965/Add.1 of 26 June 2002, Goal 5.

³ The negative consequences of protracted refugee situations have been documented in numerous reports and publications. Most recently, UNHCR highlighted a number of these, noting that: "Protracted refugee situations also waste lives by perpetuating poverty"; and "The prolongation of refugees' dependence on external assistance also squanders precious resources of host countries, donors and refugees" (EC/54/SC/CRP.14 of 10 June 2004).

II. WHAT IS COMPREHENSIVE ?

5. The most noteworthy past CPAs are the 1989 Comprehensive Plan of Action for Indo-Chinese refugees (CPA), the 1989 International Conference on Central American Refugees (CIREFCA) and the 1996 CIS Conference process⁴. Common to all was the convergence of interests of a range of States, as well as humanitarian, development and other organizations, in developing a comprehensive approach, and the corresponding willingness to provide the necessary political and financial support for implementation.

6. Although these CPAs differed in both the tools employed and the outcomes achieved, they shared the following characteristics:

- Focused on a region and/or a shared refugee/IDP problem;
- Had clear protection and durable solutions objectives;
- Involved close cooperation among countries of origin, host States, UNHCR and its humanitarian and development partners, as well as affected communities and refugees;
- Established effective linkages between relevant political, peace-keeping, humanitarian, human rights and developmental initiatives;
- Set out the role and commitments of all stakeholders; and
- Established effective monitoring and follow-up mechanisms.

7. Past comprehensive approaches were designed to find solutions for an entire national refugee group or groups, focused on a particular country or region. Traditionally, they have been regarded as very ambitious enterprises, only to be pursued if they can solve an entire situation. This “all or nothing” view of CPAs, however, is unnecessarily limiting because it excludes the possibility of using CPAs to provide solutions that may not be as all-encompassing, but which nevertheless can effectively address a particular and persistent refugee problem.

8. For example, the Multilateral Framework of Understandings devised by the Convention Plus Core Group on the Strategic Use of Resettlement recognizes that: "in the context of Convention Plus comprehensive arrangements to achieve durable solutions, resettlement will normally be undertaken in concert with the other durable solutions for refugees and initiatives relating to persons found not to be in need of international protection. There may be situations, however, in which a multilateral resettlement response alone to a refugee situation is appropriate, although a comprehensive resolution of the plight of an entire refugee population may not yet be possible."⁵

⁴ The Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States.

⁵ Preamble, paragraph 3

9. CPAs can and should be used more flexibly to bring about protection and durable solutions in a more targeted yet significant way. This could include, for example, a CPA for refugees of one or more nationalities in one particular asylum country and/or a CPA focused on a chain of countries that are affected by a refugee movement.

10. This view of comprehensiveness provides for a mix of responses and stakeholders to a given refugee problem without the inhibiting requirement or expectation that it be exhaustive in its scope. It allows for the real benefits of comprehensive approaches to be brought to bear on current protection and durable solutions challenges in as limited or expansive a manner as can be supported. It demands of UNHCR and States a re-evaluation of the possibilities for comprehensive approaches to contemporary refugee situations in a more systematic manner. If due attention is paid to the possibilities of comprehensive approaches from the earliest stages of a refugee crisis, lapses into prolonged care and maintenance situations can be avoided. The Framework for Durable Solutions sets out a range of tools that are relevant in this context.

III. TOWARDS A MORE SYSTEMATIC APPROACH TO DEVISING CPAs

11. Given that every refugee situation is unique, it is difficult to devise a rigid formula setting out the most appropriate indicators of when a situation should be assessed to determine whether a comprehensive approach is suitable. Size, duration, degree of hardship suffered by refugees, cost to host countries, resources expended by UNHCR and the broader international community, and problems experienced by neighbouring and/or third countries as a result of secondary movements should all have a bearing on this assessment. Interest within the United Nations Secretariat and/or expressed by the General Assembly or Security Council may also be a feature.

12. In light of the need to be more strategic, a more systematic approach to devising CPAs is needed and should initially focus on protracted refugee situations, especially given the high priority UNHCR and States have placed on finding more effective responses to them. Using the measure provided in the paper presented to the Standing Committee in June of this year, protracted refugee situations are considered to be those consisting of a refugee population of 25,000 persons or more who have been in exile for five years or more in developing countries.⁶

13. This systematic approach would require UNHCR to institute an annual analysis of all protracted refugee situations with a view to identifying those for which a comprehensive approach would be appropriate either to bring them to an end or to improve protection and bring about durable solutions for a significant number of the refugees concerned. This analysis would provide a contextual overview of the situation including a demographic analysis, the main causes for the displacement and why it persists, and a review of the availability of durable solutions. It would conclude with an assessment of whether there were opportunities for a comprehensive approach and the feasibility thereof. This assessment would be brought to the attention of States and other interested actors and partners, including through reporting to the Executive Committee of the High Commissioner's Programme and its Standing Committee.

⁶ This excludes Palestinian refugees who fall under the mandate of UNRWA.

14. Following this assessment, a conclusion in favour of pursuing a CPA would contain proposals regarding the components of the CPA. While it is recognized that every situation will require a unique package of measures, the generic frameworks of understanding being prepared through Convention Plus will provide ready-made elements.

15. In circumstances where UNHCR considers that a comprehensive approach is appropriate, the Office would explore its feasibility with interested States and other actors. The aim would be to present UNHCR's view of the situation, receive feedback, develop a shared understanding of the situation and the range of possible solutions, and to conclude with a recommendation of whether a CPA should be pursued. Where there is substantial agreement on the advisability of a CPA, next steps and a workplan would be agreed upon.

16. Included in the workplan would be: the identification of relevant partnerships; formation of a Steering Committee; definition of respective roles and responsibilities of each actor; elaboration of a timeframe for implementation; and establishment of benchmarks against which progress can be gauged. On the basis of these consultations, the High Commissioner would formalize the outcome, as appropriate, in a broad meeting of States and other actors, inviting wider participation in the proposed CPA. Once agreed, the CPA would be implemented in accordance with the mechanism worked out with States on the basis of the necessary commitments and provision of required resources.

17. Annexes I and II respectively contain an overview of the procedure described above and a table listing existing protracted situations where this procedure will be implemented, apart from Afghanistan and Somalia where comprehensive approaches are already being developed. Participants in the Forum are invited to comment on the merits of the proposed approach.

OUTLINE OF THE PROCEDURAL MECHANISM FOR A MORE SYSTEMATIC APPROACH TO CPAS

Stage 1: UNHCR analysis and assessment

- Contextual overview: demographic analysis of population(s), main causes for displacement, current situation and outlook for solutions.
- Analysis of why the situation is protracted (e.g. ongoing emergency; unresolved political conflict; refugee population reluctant to return; lapse into an acceptance of the status quo).
- Examination of opportunities to implement durable solutions (e.g. donor interest; peace process; cessation of hostilities; spontaneous movements; contacts between host and country of origin), including the use of the Framework for Durable Solutions.
- Examination of obstacles (e.g. ongoing conflict; continued refugee movements; lack of political support; inadequate infrastructure in country of origin).

Stage 2: UNHCR determination of recommended action

- Prognosis for solutions: is a CPA feasible and/or advisable in this situation? If so, provide an outline of its elements:
 - Type of solutions to be pursued
 - Timeframe
 - Benchmarks
- What are the implications of pursuing a CPA (effect on UNHCR assistance; financial and staffing resource implications; engagement of development actors)?
- Overview of actions by relevant actors/partners that are necessary to implement the CPA.

Stage 3: Consultations

- UNHCR engages in consultations with States and other interested parties to review analysis and basis for comprehensive plan of action.
- Shared understanding reached and elements for CPA defined.
- Development of a workplan and recommendations to the High Commissioner.

Stage 4: Meeting of States

- High Commissioner formalizes outcome of consultations on the CPA in a conference of States and other actors.
- States agree on the allocation of respective roles and responsibilities, including meeting resource needs.
- Determination of follow-up/coordination mechanism.

Stage 5: Implementation of comprehensive plan of action

Major protracted refugee situations as per end 2003

Selection: refugee situations numbering 25,000 or more persons in non-industrialized countries by the end of 2003 which have been in existence for 5 or more years. Industrialized asylum countries (except Serbia and Montenegro) are not included, because most refugees in these countries can be considered to have found a durable solution.

Breakdown of origin by country of asylum (non-industrialized) hosting 5,000 or more persons and various (non-industrialised) hosting less than 5,000.

Source: 2003 UNHCR Annual Statistical Report.

| Origin | Country of asylum | UNHCR assistance status | | | |
|-------------------------------------|-------------------------|-------------------------|----------------|------------------|---------------|
| | | Assisted | Not assisted | Total | % Assisted |
| Afghanistan | Pakistan | 1 123 600 | - | 1 123 600 | 100,0% |
| Afghanistan | Islamic Rep. of Iran | 834 700 | - | 834 700 | 100,0% |
| Afghanistan | India | 10 300 | - | 10 300 | 100,0% |
| Afghanistan | Uzbekistan | 2 500 | 3 000 | 5 500 | 45,5% |
| Afghanistan | Various | 8 000 | 2 700 | 10 700 | 74,8% |
| Afghanistan Total | | 1 979 100 | 5 700 | 1 984 800 | 99,7% |
| Angola | Zambia | 71 900 | 87 000 | 158 900 | 45,2% |
| Angola | Dem. Rep. of the Congo | 42 700 | 81 000 | 123 700 | 34,5% |
| Angola | Namibia | 11 800 | 6 000 | 17 800 | 66,3% |
| Angola | South Africa | 500 | 5 300 | 5 800 | 8,6% |
| Angola | Various | 4 800 | 2 700 | 7 500 | 64,0% |
| Angola Total | | 131 700 | 182 000 | 313 700 | 42,0% |
| Azerbaijan | Armenia | 50 000 | 189 300 | 239 300 | 20,9% |
| Azerbaijan | Various | 400 | 300 | 700 | 57,1% |
| Azerbaijan Total | | 50 400 | 189 600 | 240 000 | 21,0% |
| Bhutan | Nepal | 103 700 | - | 103 700 | 100,0% |
| Bhutan Total | | 103 700 | - | 103 700 | 100,0% |
| Bosnia and Herzegovina | Serbia and Montenegro | 99 800 | - | 99 800 | 100,0% |
| Bosnia and Herzegovina Total | | 99 800 | - | 99 800 | 100,0% |
| Burundi | United Rep. of Tanzania | 324 200 | 170 000 | 494 200 | 65,6% |
| Burundi | Dem. Rep. of the Congo | 500 | 19 100 | 19 600 | 2,6% |
| Burundi | Various | 8 500 | 2 000 | 10 500 | 81,0% |
| Burundi Total | | 333 200 | 191 100 | 524 300 | 63,6% |
| Chad | Cameroon | - | 39 300 | 39 300 | 0,0% |
| Chad | Sudan | - | 5 000 | 5 000 | 0,0% |
| Chad | Various | 1 700 | 5 100 | 6 800 | 25,0% |
| Chad Total | | 1 700 | 49 400 | 51 100 | 3,3% |
| China | India | - | 92 300 | 92 300 | 0,0% |
| China | Various | 200 | - | 200 | 100,0% |
| China Total | | 200 | 92 300 | 92 500 | 0,2% |
| Croatia | Serbia and Montenegro | 189 700 | - | 189 700 | 100,0% |
| Croatia Total | | 189 700 | - | 189 700 | 100,0% |
| Dem. Rep. of the Congo | United Rep. of Tanzania | 150 200 | - | 150 200 | 100,0% |
| Dem. Rep. of the Congo | Congo | 79 600 | 1 400 | 81 000 | 98,3% |
| Dem. Rep. of the Congo | Zambia | 54 400 | 4 000 | 58 400 | 93,2% |
| Dem. Rep. of the Congo | Burundi | 13 200 | 27 400 | 40 600 | 32,5% |
| Dem. Rep. of the Congo | Rwanda | 34 700 | - | 34 700 | 100,0% |
| Dem. Rep. of the Congo | Angola | 13 000 | - | 13 000 | 100,0% |
| Dem. Rep. of the Congo | Uganda | 11 500 | 200 | 11 700 | 98,3% |
| Dem. Rep. of the Congo | South Africa | 2 700 | 6 200 | 8 900 | 30,3% |
| Dem. Rep. of the Congo | Central African Rep. | 2 900 | 3 600 | 6 500 | 44,6% |
| Dem. Rep. of the Congo | Zimbabwe | 6 100 | - | 6 100 | 100,0% |
| Dem. Rep. of the Congo | Various | 5 300 | 3 900 | 9 200 | 57,6% |
| Dem. Rep. of the Congo Total | | 373 600 | 46 700 | 420 300 | 88,9% |
| Eritrea | Sudan | 72 900 | 35 400 | 108 300 | 67,3% |
| Eritrea | Ethiopia | 6 800 | - | 6 800 | 100,0% |
| Eritrea | Various | 700 | - | 700 | 100,0% |
| Eritrea Total | | 80 400 | 35 400 | 115 800 | 69,4% |
| Ethiopia | Sudan | 800 | 14 500 | 15 300 | 5,2% |
| Ethiopia | Kenya | 11 100 | - | 11 100 | 100,0% |
| Ethiopia | Various | 4 200 | 500 | 4 700 | 89,4% |
| Ethiopia Total | | 16 100 | 15 000 | 31 100 | 51,8% |
| Iraq | Islamic Rep. of Iran | 150 200 | - | 150 200 | 100,0% |
| Iraq | Various | 4 100 | 3 300 | 7 400 | 55,4% |
| Iraq Total | | 154 300 | 3 300 | 157 600 | 97,9% |

| Origin | Country of asylum | UNHCR assistance status | | | |
|---|------------------------|-------------------------|------------------|------------------|---------------|
| | | Assisted | Not assisted | Total | % Assisted |
| Liberia | Guinea | 89 400 | 60 200 | 149 600 | 59,8% |
| Liberia | Côte d'Ivoire | 74 200 | - | 74 200 | 100,0% |
| Liberia | Sierra Leone | 61 200 | - | 61 200 | 100,0% |
| Liberia | Ghana | 42 500 | - | 42 500 | 100,0% |
| Liberia | Various | 5 100 | 1 300 | 6 400 | 79,7% |
| Liberia Total | | 272 400 | 61 500 | 333 900 | 81,6% |
| Mauritania | Senegal | 19 800 | - | 19 800 | 100,0% |
| Mauritania | Mali | 6 100 | - | 6 100 | 100,0% |
| Mauritania | Various | 100 | - | 100 | 100,0% |
| Mauritania Total | | 26 000 | - | 26 000 | 100,0% |
| Myanmar | Thailand | 118 400 | 400 | 118 800 | 99,7% |
| Myanmar | Bangladesh | 19 700 | - | 19 700 | 100,0% |
| Myanmar | Malaysia | - | 9 300 | 9 300 | 0,0% |
| Myanmar | Various | 1 000 | - | 1 000 | 100,0% |
| Myanmar Total | | 139 100 | 9 700 | 148 800 | 93,5% |
| Occupied Palestinian Territory | Saudi Arabia | - | 240 000 | 240 000 | 0,0% |
| Occupied Palestinian Territory | Iraq | - | 100 000 | 100 000 | 0,0% |
| Occupied Palestinian Territory | Egypt | 200 | 70 000 | 70 200 | 0,3% |
| Occupied Palestinian Territory | Libyan Arab Jamahiriya | 500 | 8 300 | 8 800 | 5,7% |
| Occupied Palestinian Territory | Various | 1 000 | 5 400 | 6 400 | 15,6% |
| Occupied Palestinian Territory Total | | 1 700 | 423 700 | 425 400 | 0,4% |
| Rwanda | Dem. Rep. of the Congo | 400 | 19 300 | 19 700 | 2,0% |
| Rwanda | Uganda | 19 600 | - | 19 600 | 100,0% |
| Rwanda | Congo | - | 5 900 | 5 900 | 0,0% |
| Rwanda | Zambia | 4 800 | 1 000 | 5 800 | 82,8% |
| Rwanda | Various | 10 500 | 3 400 | 13 900 | 75,5% |
| Rwanda Total | | 35 300 | 29 600 | 64 900 | 54,4% |
| Sierra Leone | Guinea | 15 000 | 10 000 | 25 000 | 60,0% |
| Sierra Leone | Liberia | 13 900 | - | 13 900 | 100,0% |
| Sierra Leone | Gambia | 1 000 | 5 100 | 6 100 | 16,4% |
| Sierra Leone | Various | 5 700 | 400 | 6 100 | 93,4% |
| Sierra Leone Total | | 35 600 | 15 500 | 51 100 | 69,7% |
| Somalia | Kenya | 154 300 | - | 154 300 | 100,0% |
| Somalia | Yemen | 59 200 | - | 59 200 | 100,0% |
| Somalia | Ethiopia | 28 300 | - | 28 300 | 100,0% |
| Somalia | Djibouti | 25 500 | - | 25 500 | 100,0% |
| Somalia | South Africa | 400 | 6 500 | 6 900 | 5,8% |
| Somalia | Various | 13 700 | 3 100 | 16 800 | 81,5% |
| Somalia Total | | 281 400 | 9 600 | 291 000 | 96,7% |
| Sri Lanka | India | - | 60 900 | 60 900 | 0,0% |
| Sri Lanka | Various | 100 | 100 | 200 | 50,0% |
| Sri Lanka Total | | 100 | 61 000 | 61 100 | 0,2% |
| Sudan | Uganda | 178 300 | 20 000 | 198 300 | 89,9% |
| Sudan | Chad | 55 000 | 55 000 | 110 000 | 50,0% |
| Sudan | Ethiopia | 94 900 | - | 94 900 | 100,0% |
| Sudan | Kenya | 63 200 | - | 63 200 | 100,0% |
| Sudan | Dem. Rep. of the Congo | 10 900 | 34 200 | 45 100 | 24,2% |
| Sudan | Central African Rep. | 36 400 | 100 | 36 500 | 99,7% |
| Sudan | Egypt | 14 200 | - | 14 200 | 100,0% |
| Sudan | Various | 1 900 | 400 | 2 300 | 82,6% |
| Sudan Total | | 454 800 | 109 700 | 564 500 | 80,6% |
| Tajikistan | Uzbekistan | - | 39 200 | 39 200 | 0,0% |
| Tajikistan | Turkmenistan | 12 100 | - | 12 100 | 100,0% |
| Tajikistan | Various | 5 400 | 1 600 | 7 000 | 77,1% |
| Tajikistan Total | | 17 500 | 40 800 | 58 300 | 30,0% |
| Viet Nam | China | 10 800 | 288 500 | 299 300 | 3,6% |
| Viet Nam | Various | 200 | 1 800 | 2 000 | 10,0% |
| Viet Nam Total | | 11 000 | 290 300 | 301 300 | 3,7% |
| Western Sahara | Algeria | 155 400 | 9 600 | 165 000 | 94,2% |
| Western Sahara | Various | 700 | - | 700 | 100,0% |
| Western Sahara Total | | 156 100 | 9 600 | 165 700 | 94,2% |
| Grand Total | | 4 944 900 | 1 871 500 | 6 816 400 | 72,5% |

| Other major refugee situations in existence less than 5 years. | | | | | |
|--|------------------------|-------------------------|--------------|---------------|------------|
| Origin | Country of asylum | UNHCR assistance status | | | |
| | | Assisted | Not assisted | Total | % Assisted |
| Central African Republic | Chad | 33 500 | 400 | 33 900 | 99,0% |
| Central African Republic | Various | | | 1 100 | |
| Central African Republic Total | | | | 35 000 | |
| Côte d'Ivoire | Guinea | 7 100 | 2 500 | 9 600 | 74,0% |
| Côte d'Ivoire | Liberia | 400 | 19 600 | 20 000 | 2,0% |
| Côte d'Ivoire | Various | | | 1 700 | |
| Côte d'Ivoire Total | | | | 31 300 | |
| Uganda | Dem. Rep. of the Congo | - | 19 000 | 19 000 | 0,0% |
| Uganda | Sudan | - | 8 000 | 8 000 | 0,0% |
| Uganda | Various | | | 4 700 | |
| Uganda Total | | | | 31 700 | |
| Colombia | Costa Rica | - | 8 266 | 8 266 | 0,0% |
| Colombia | Ecuador | 6 245 | 3 | 6 248 | 100,0% |
| Colombia | Various | | | 1 222 | |
| Colombia Total | | | | 15 736 | |