

Background document

Initiatives that could benefit from Convention Plus

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Introduction

1. UNHCR's Global Consultations on International Protection focused on the tools of refugee protection. These include tools presently available to the international community, most prominently the 1951 Convention and 1967 Protocol Relating to the Status of Refugees, and those that need to be developed for better global management of refugee problems. As a product of the consultative process, the Agenda for Protection¹ recognises that improved refugee protection can only be achieved through considerably enhanced multilateral cooperation, reflecting a shared commitment to find durable solutions to refugee problems in a spirit of burden- and responsibility-sharing. *Convention Plus* provides a vehicle for securing such commitment.

2. *Convention Plus* envisions comprehensive plans of action to ensure more effective and predictable responses to mass outflows of refugees, and the apportioning of responsibilities among countries of origin, transit and potential destination in situations of 'secondary movements'. It also envisions multilateral agreements to achieve durable solutions. These include the promotion of self-reliance through development assistance for refugees (DAR); development through local integration (DLI) schemes; sustainable repatriation, reintegration, reconciliation and reconstruction (4Rs) strategies and multilateral commitments for the resettlement of refugees. All these approaches require broad-based partnerships between governments, humanitarian and multi- and bilateral aid agencies.

3. The case studies that follow, without being exhaustive in any way, illustrate a range of situations where comprehensive arrangements in the *Convention Plus* framework could contribute to alleviating the plight of refugees and reducing the number in need of international protection. Such comprehensive arrangements could effect more equitable burden-sharing, facilitate durable solutions, and foster security through a greater sense of global management. The refugee, returnee and internally displaced persons (IDP) situations described herein all contain, to some extent, the ingredients of a *Convention Plus* approach. At the same time, none contains them all, nor can it be said that any of these initiatives is, as yet, truly comprehensive. Some are in a more advanced stage of development than others. They are also different insofar as each one calls upon a case-specific set of solutions that meet the needs of the particular caseload or situation.

4. On the other hand, the case studies are similar in that they reflect the enormous potential that multilateral efforts can bring to bear to effect sustainable solutions to refugee problems. They are submitted in this background document with a view to informing the discussion, within the High Commissioner's Forum, of how *Convention Plus* tools can be used to move these and other initiatives forward in a consistent and structured fashion.

¹ A/AC.96/965/Add.1 of 26 June 2002

Afghan Refugees, Returnees and IDPs

Context

5. For over 20 years Afghan refugees have constituted the largest refugee population in the world. At the height of the Soviet occupation in the 1980s, six million Afghans had fled the country and some one million were internally displaced. After the fall of the government in 1992, refugees began to return in large numbers, primarily from neighbouring Pakistan and Iran where most had initially fled. However, renewed fighting in the 1990s led to a further exodus. Even after another major repatriation movement in 2002, following the fall of the Taliban regime, over 3 million Afghan refugees remain in Pakistan and the Islamic Republic of Iran, several hundred thousand Afghans are internally displaced, and tens of thousands of Afghans are in countries outside the region.

6. It is now widely recognised that the displacement and continuing presence of Afghans in the neighbouring countries can no longer be described in solely refugee terms. There are persons regularly moving across borders in both directions for economic reasons. The original causes of the refugee outflows from the 1980s ended long ago. However, new protection concerns have since emerged. Many Afghan refugees have still been dissuaded from going home for a variety of reasons. Afghanistan's continued progress towards political reconciliation, economic recovery, and reconstruction faces many difficult challenges in the coming years. National protection is still weak and even non-existent in certain areas, and some groups continue to be at risk of persecution on ethnic, religious, or other grounds especially by non-state actors. In addition, many Afghans face endemic food insecurity, the protracted drought having deepened rural poverty across large parts of the country. For many Afghans, local and returnee alike, a basic livelihood cannot be assured.

7. Of the approximately 1.8 million Afghan refugees who returned home in 2002, over half were under the age of twenty and the majority had been in asylum countries for less than five years. It is probable that a large proportion of the remaining Afghan refugee population have been in countries like Iran and Pakistan for more than 15 years, and that many have never known life in Afghanistan. This population is not homogeneous. Surveys show that the Afghan refugee community is characterised by different ethnic compositions and socio-economic profiles. For example, in Iran, Afghans are found predominantly in the cities, especially Tehran; with only a small number (3%) accommodated in camps. The majority are Persian speakers of Tajik and Hazara ethnicity. In contrast, in Pakistan most remaining Afghans are in villages and camps in the two border provinces (North West Frontier Province and Baluchistan) and are predominantly Pushtuns from the south and east of Afghanistan.

Voluntary Repatriation and Reintegration

8. Voluntary repatriation and reintegration remain the preferred durable solution for most Afghan refugees. However, the political, security, and economic conditions in Afghanistan remain fragile and present serious obstacles to sustainable return. For that reason, UNHCR does not officially promote repatriation but assists Afghans who have made the decision to return home voluntarily. It will review the conditions inside Afghanistan on a regular basis and adjust its policy accordingly in the light of future developments.

9. In its efforts to assist those who voluntarily wish to return, UNHCR has been instrumental in proposing and negotiating Tripartite Agreements with Afghanistan and the Islamic

Republic of Iran and Pakistan, respectively, with three-year time frames (2003 – 2005) for the management of repatriation operations. The Afghan authorities prefer that return is gradual given Afghanistan's still limited absorption capacity. Tripartite agreements have also been signed by the Afghan authorities, UNHCR and France, the United Kingdom and The Netherlands, respectively, to facilitate the gradual and assisted voluntary return of Afghans in those countries, regardless of their legal status. Based on sound protection principles, these agreements also reflect the willingness of the European States concerned to devote the necessary resources to UNHCR's overall repatriation and reintegration programme in Afghanistan.

10. In conjunction with its counterpart, the Ministry of Refugees and Repatriation (MoRR), UNHCR will continue to provide logistical facilities and infrastructure for the registration and transport of returnees and for the distribution of relief. It will also support immediate reintegration assistance such as shelter, water and small-scale income-generating employment projects, in addition to its protection monitoring, reporting and training activities.

11. Ensuring that the return of refugees and IDPs is sustainable requires more integrated and longer term programmes. This has been recognised by the Interim Authority of Afghanistan (until July 2002) and its successor, the Transitional Islamic State of Afghanistan, both of which made notable progress in the re-establishment of formal government structures and processes, and the normalisation of foreign relations. For the first time in over twenty years, Afghanistan has begun to benefit from multilateral and bilateral official development assistance. It has won initial endorsement and support from the donor community for the quality and forward-looking vision outlined in its National Development Framework (NDF), that accords high priority to the reintegration of refugees and IDPs.

12. Afghanistan has been chosen as one of the countries in which the 4Rs (repatriation, reintegration, rehabilitation, and reconstruction) approach is being piloted. Through both technical and material assistance and networking with other assistance agencies, and in line with the wish of the Afghan authorities to assume full responsibility for the reconstruction and development agenda, UNHCR has focused on building initial partnerships with Afghan government ministries and on national programmes as the main vehicle for medium and longer-term reintegration work. In addition to its support to the MoRR, UNHCR has therefore developed close co-operation with the Ministry of Rural Reconstruction and Development (MRRD) and the Ministry of Housing and Urban Development (MoHUD). It is hoped that their management and implementing capabilities will grow stronger over time and that the programmes will record substantial impact in the coming years

Refugee Hosting and Rehabilitation Programme

13. For over 22 years Pakistan has sheltered millions of Afghan refugees. The hosting of such a large population over a protracted period of time has been costly. It has imposed additional pressures on Pakistan's already fragile natural resources and over-stretched health, water, and sanitation services especially in the border areas where many Afghans continue to reside. To help mitigate these impacts on Pakistan, and more specifically to help redress them, UNHCR has co-operated in the past with major development agencies such as the World Bank. In 2002 it began working with UNDP on a new Refugee Hosting and Rehabilitation Programme. The aim of this programme is to rehabilitate the environment, the infrastructure, and the local economy affected by the prolonged presence of large numbers of refugees. In the area of environmental rehabilitation, the programme includes reforestation projects and

improvements to water management, harvesting and the introduction of water saving techniques. Rehabilitation of productive agricultural infrastructure will include the introduction of new irrigation technologies and drought resistant crops. Other projects are directed at improving health and education services. Income generating projects such as micro enterprises and labour intensive schemes are also planned as well as capacity building of local government and institutions. So far the Government of Pakistan, NGOs, refugees and local communities concerned have endorsed the programme. As the programme develops it will be important to ensure the active involvement of relevant UN agencies, international organisations, and bilateral support.

Future approach to durable solutions in asylum countries

14. UNHCR anticipates that up to 1.2 million Afghans may opt to return home in 2003 and that more will return in 2004. However, many of the remaining population have been in Iran and Pakistan for a very long time and may wish to stay under more secure conditions. Moreover, economic opportunities in the neighbouring countries continue to draw Afghans in search of work. The situation of Afghans outside the region, and the contributions they can make to the reconstruction of Afghanistan, be it through repatriation or in other ways, will also need to be taken into account. The fluidity of the situation in Afghanistan, the changed nature of population movements, and the heterogeneity of the Afghan population in the asylum countries, merit a comprehensive set of responses that match these complexities. UNHCR is preparing the components of a broader durable solutions strategy for the future management of the Afghanistan situation that will be discussed with all concerned parties in the coming months. It anticipates continued priority being given to repatriation and reintegration in Afghanistan while exploring other potential solutions such as a framework for regularising migration and more stable, longer term residence.

Sierra Leone Returnees and IDPs

Context

15. In January 1992, a welcomed peace was declared in Sierra Leone. Ten years of civil war had given rise to the displacement of over one million Sierra Leoneans, many of whom witnessed, and some having suffered, atrocities at the hands of warring factions. During the conflict, half a million people sought safety in neighbouring countries, while over 400,000 became internally displaced persons (IDPs). In the past two years some 170,000 refugees have returned and it is anticipated that by the end of this year, 280,000 refugees, 73,000 former soldiers and 400,000 IDPs (213,000 assisted) will have returned to their places of origin.

16. Sierra Leone is now on the road towards recovery. The return environment, however, is highly precarious. Little of the infrastructure remains and the absorption capacity in areas of return is far from satisfactory. Recent figures indicate that 85% of the country's livestock has been decimated, only 5% of the main areas of return have potable water coverage, over 3,000 schools are in need of rehabilitation and although mine clearing is underway, unexploded ordinances remain a safety concern. Moreover, the intensification of conflict in Liberia has prompted some 55,000 Liberians to flee into Sierra Leone. Incursions of both Liberian government and rebel forces into Sierra Leone, some to buy provisions or seek safety, others to loot and abduct people for forced labour, have added to the instability of the border regions.

17. To sustain peace and stability in Sierra Leone much more needs to be done. The infrastructure needs to be rebuilt, the capacity of government institutions and agencies to deal with community-based recovery issues improved, and reconciliation promoted to reduce the risk of renewed conflict.

Returnees and the 4Rs strategy: Repatriation, Reintegration, Rehabilitation and Reconstruction

18. UNHCR's primary concern has been to ensure the provision of basic services such as water, education, health and shelter as being key in anchoring returnees in their home areas. If basic welfare priorities are not met, and if there is no sign of progress or hope that conditions are improving, returnees tend to drift towards urban centres or back to refugee camps and young adults become more susceptible to recruitment into rebel forces.

19. In addition to meeting the immediate needs of returnees, UNHCR has advocated for larger and more development-oriented assistance. Working with other UN agencies and the World Bank, a co-ordinated approach to reintegration and recovery has been planned. The Government of Sierra Leone has taken full ownership of the process by designing a National Recovery Strategy (NRS) which includes reintegration activities for returnees and displaced populations as a key priority. Sierra Leone has thus become one of the pilot countries for the '4Rs' strategy. A joint 4Rs planning group, consisting of UNHCR, UNDP and the World Bank, was established in November 2002, to ensure that repatriation and reintegration efforts are planned together with other assisting agencies. UNHCR's specific contributions include emergency rehabilitation of water facilities, human rights training for police and local authorities, and community empowerment projects involving all groups in society including women, youth and elders to help rebuild the community, support reconciliation and increase the ability of civil society to make demands on the government. Through funds provided by

implementing partners, projects that bring community members together, and that they themselves have identified (such as social activities, construction projects and agricultural activities) will be supported. Training in protection and small project management will also be undertaken in close co-operation with other UN agencies and the government. Several additional sectors have been identified that are amenable to joint programming and activities among UN, international, bilateral, NGO and government actors. These include roads, micro-finance, education and health.

20. UNHCR's reintegration programme is planned to wind down in 2004. It is hoped that by then the phase-out of UNHCR will be accompanied by the phase-in of development actors, as a result of the integrated planning under the '4Rs' framework. The international interest already apparent in current 4Rs planning is encouraging but needs to be coupled with future commitments so that the momentum is not lost and sustainable recovery is assured. The peace is promising but a fragile one. Unless the capacity of society to accept returnees and rebuild itself is strengthened through ongoing integrated development assistance, the risk of renewed conflict will remain.

Liberian Refugees in Sierra Leone

Protection and Assistance of Benefit to Host Communities

21. In addition to the need for recovery and sustainable reintegration of returning populations, Sierra Leone is also faced with the continuing challenge of large influxes of refugees from neighbouring Liberia. These refugees mainly arrive in areas that are receiving high numbers of returnees, adding to the stress on these regions. They too require assistance, which places further pressures on essential services. Moreover, local hostility directed against Liberians due to their perceived role in the Sierra Leone civil war, and the risk of the infiltration of Liberian armed elements into the camps compound the problems.

22. UNHCR is addressing these issues through a comprehensive approach involving the Government and other agencies, to assist both refugees and the local communities. These efforts strive to alleviate tensions by engaging in projects that enhance security and also benefit the host communities. Security enhancing efforts include assistance to the government in excluding combatants from the camps and support to the Sierra Leone Police (SLP) to extend their presence in refugee camp. UNHCR is also on the task force (with ICRC and UNAMSIL) for an internment camp constructed by the Government, which accommodates former Liberian combatants. Other activities of benefit to refugees and host communities include the provision of a limited number of water, health and education facilities that service both camps and nearby villages. Additionally UNHCR is engaged in specific peace education programmes for host-communities and refugees.

23. There are no prospects for the repatriation of Liberian refugees in the immediate foreseeable future given the continuing armed conflict there. UNHCR's sectoral activities to the benefit of refugees and host communities and its reconciliation efforts are of critical importance in promoting stability.

Self-sufficiency Pending Return

24. Given the financial requirements of repatriation efforts, to date the resources for addressing the needs of Liberian refugees have been scarce. Conditions in refugee camps are

frequently sub-standard, assistance focused on survival and, hence, on life sustaining needs. There has been little room for or progress on assisting refugees become self-reliant. Nonetheless, given the absence of repatriation possibilities, income generating assistance (agriculture, education, skills training etc) and empowerment training are necessary to help prepare this community for more durable solutions, such repatriation or local integration. A sustained interest and commitment on the part of donors, UN actors and international and national agencies is necessary to meet this pressing need.

Resettlement

25. UNHCR has identified a small proportion of the Liberian refugee population as being in need of resettlement. The vast majority have been in Sierra Leone for a prolonged period of time and have experienced multiple displacement and serious human rights violations in Liberia. These include disfigurement, abduction, rape, and witnessing the brutal murders of relatives. A significant percentage of the families that have been identified as in need of resettlement are ones headed by a single woman or a young adult sibling. Given their precarious socio-economic situation, and the absence of other durable solutions, these vulnerable groups are in need of resettlement.

Eritrean Refugees and Returnees

Context

26. The Eritrean war of independence that erupted in 1967 extended well over twenty years and resulted in the exodus of hundreds of thousands of people, most of whom fled into Sudan. By 1988, approximately half a million Eritrean refugees had sought asylum there. The end of the prolonged military conflict in 1991 encouraged many to return home so that in 1993, when Eritrean independence was internationally recognised, an estimated 110,000 refugees had spontaneously repatriated. Reintegration efforts by the Eritrean Government and various UN agencies supported the return of a further 17,000 refugees. However, a shortage of funds and political disagreements between the governments of Eritrea and Sudan effectively put a halt to the repatriation effort. The stalled programme was about to resume when, in 1998, renewed hostilities between Eritrea and Ethiopia violently erupted, leading to more massive population displacements. It is estimated that by 2000, when the peace process commenced, some 350,000 Eritrean refugees were in Sudan and one million people, one third of Eritrea's population, were internally displaced. The expulsion of 70,000 persons of Eritrean ancestry from Ethiopia added to Eritrea's humanitarian crisis.

27. Today Sudan continues to host some 300,000 Eritrean refugees in camps and in urban centres. Since UNHCR voluntary repatriation operations were resumed in 2000, some 100,000 refugees have been assisted to return home. It is expected that an additional 110,000 refugees will voluntarily repatriate in 2003-2004 under UNHCR's auspices. Of the nearly 60,000 persons who remain internally displaced throughout Eritrea, one-third are anticipated to return to their places of origin this year. Within the expellee group (some 16,000 in camps), although they do not generally fall under UNHCR mandate, there is a small population who may be at risk of statelessness. UNHCR will be closely monitoring their situation.

28. The impact of the recent war has been devastating for Eritrea, reversing the considerable economic gains that had been made since independence. Direct war damage to infrastructure, schools, clinics, factories, businesses and farms were estimated as high as the total Gross Domestic Product of Eritrea, including a significant decline in agricultural outputs. The economy is slowly recovering, but is challenged by shortages of skilled and unskilled labour, damaged infrastructure and meeting the settlement needs of returnees. Communities whose social and economic foundations were destroyed during the conflict are unable to cope with the sudden arrival of returning populations. It is critically important that repatriation and reintegration be managed carefully, to ensure that assistance is provided to benefit local as well as new residents thereby minimizing the potential for conflict, preventing further displacements, and enhancing prospects for durable peace, security, and development.

Integrated Recovery Programme in Eritrea

29. Presently there is a range of existing and planned bilateral and multilateral assistance programmes focusing on short-term quick impact projects rather than longer term initiatives aimed at effecting the transition from relief to development. This gap is currently being discussed by the Government of Eritrea and the UN, under the UN Development Assistance Framework (UNDAF), in the context of developing a co-ordinated and integrated Eritrea-

wide recovery programmes. In the meantime, UNHCR has worked closely with the Government of Eritrea in developing a three year Integrated Recovery Programme (IRP) for three of the principal regions of returnee settlement. The IRP aims to rationalize and coordinate various development programmes sponsored by UN, international financial institutions, bilaterals, international agencies and NGOs so as to benefit returnees, IDPs, expellees and affected host communities. IRP programmes will focus on infrastructure reconstruction and rehabilitation (roads, shelter, school, health facilities, water and sanitation) as well as the provision of skills training, micro-financing and support to agricultural production, to build sustainable livelihoods. IRP programmes are required to be low-cost, efficient, financially sustainable beyond 2-3 years, environmentally sound, and endeavor to use innovative technologies (solar, energy saving stoves) that will have a long term positive impact on the environment and the economy. Planned IRP programmes have benefited from the advice and recommendations of sectoral task forces comprised of experts from donor governments, UNHCR, other UN agencies and the World Bank. UNHCR remains involved as a member of the follow-up task force (with the Government of Eritrea and UNDP), established to co-ordinate the resource mobilisation strategy and oversee the initial steps of implementation.

30. At the moment the IRP is a strategic resource that provides an overview of what needs to be done in the three targeted regions over the next three years, and identifies what has already been done and/or pledged to be completed. It will be updated continuously as new funding is secured for activities included in the IRP plan. Provided it receives the necessary financial support from donors and sustained commitment from the Government of Eritrea, the IRP should secure the sustainability of the reintegration process by improving the social and economic infrastructure, strengthening the capacity of local administrations, enhancing food security through the promotion of diversified livelihoods and sustainable agricultural practices, and fostering greater social cohesiveness among returnee, expellee and host communities.

Rehabilitation of Refugee-affected Areas in Sudan

31. For nearly four decades Sudan has sheltered hundreds of thousands of refugees from neighboring countries, the majority of them coming from Eritrea. The impact of so many refugees (over one million in the mid-1980s) on the physical environment has been enormous. Land cleared for camp settlement, cultivation, firewood and construction combined with refugee livestock overgrazing and over-cultivation has resulted in deforestation and soil erosion. These practices, together with other indigenous pressures associated with a growing population and unsustainable agricultural methods, have created pressing environmental problems for Sudan.

32. Over the years UNHCR and other agencies have tried to minimize the negative environmental impact of hosting such large numbers of refugees. These efforts have not been sufficiently funded to significantly reverse the environment degeneration arising from the protracted presence of large numbers of refugees. In 1998, UNHCR adopted a more integrated approach to long-standing environmental programmes. It worked closely with government departments and refugee and local communities in the implementation of projects aimed at energy conservation, sustainable agriculture, environmental education and income generation. UNHCR intends to build on the lessons learned from these projects in its rehabilitation work ahead. With the pending return of tens of thousands of Eritrean refugees in the next two years, and the closing of eleven of the eighteen refugee camps in Sudan,

UNHCR plans to work with the Government of Sudan and other national and international actors in taking steps to reverse the adverse environmental impact caused by large-scale refugee populations in a manner that provides sustainable development opportunities for host communities. To this end, UNHCR in consultation with the Government of Sudan, has proposed 17 projects aimed at rehabilitating Refugee Affected Areas. Emphasis will be on reforestation through planting of indigenous trees and the promotion of community seedling production, household tree planting, agroforestry, and the dissemination of energy saving cooking techniques and devices. Other projects are designed to rehabilitate schools, health facilities, and water systems for the benefit of local communities.

33. The involvement and financial support of bilateral and international agencies, international financial institutions and NGOs is essential to ensure that the progress that has been achieved so far is not lost and that the repatriation of thousands of refugees generously hosted by Sudan for decades does not jeopardize the well-being of local communities.

Angolan Refugees, Returnees and IDPs

Context

34. The long running civil war in Angola displaced about 4.5 million Angolans, 470,000 of whom sought refuge in neighbouring countries. In addition, 40,000 Angolans sought asylum in industrialised countries since 1992, and 16,000 claims are currently pending in those countries' asylum procedures. The signing of the 'Cessation of Hostilities' agreement between the Angolan Government and UNITA last year has now put the country on the path of peace and reconstruction. The sustainability of this process depends in large part on how well the displaced populations (refugees, IDPs, former combatants) are able to reintegrate and establish themselves in the areas that the Government has opened up for settlement.

35. The challenges are enormous. Malnutrition is widespread. Mortality and morbidity rates are very high. There is little infrastructure for the provision of basic health, education and water delivery services. Poor roads and destroyed bridges hinder travel throughout much of the country. The presence of land mines and unexploded ordinances in areas of return, not only affects movement within these areas, but have also impeded the resumption of farming, threatening food security.

36. Despite the grave humanitarian problems that continue to grip the country, over the past year displaced Angolans have steadily been returning. At the end of 2002, an estimated 1.5 million IDPs and 90,000 Angolan refugees had returned to their place of origin. It is expected that this movement will accelerate in the next two years, with a projected repatriation of 170,000 persons in 2003 and a further 120,000 the following year. While the return of so many Angolan refugees will relieve some of the pressures caused by their presence in neighbouring countries, it is also the case that not all will be able or willing to return in the short or medium term.

Self-reliance and Local Integration: Zambia Initiative

37. For many decades Zambia has been host to tens of thousands of refugees from neighbouring countries, sheltering nearly half the Angolan refugees in the region. Despite serious socio-economic problems of its own brought on by the decline in its mining sector, food shortages, and the spread of HIV/AIDs, the country has maintained a generous open-door policy towards refugees and an excellent working relationship with UNHCR, and multilateral and bilateral development and humanitarian agencies. In an effort to help relieve some of the burden that its reception of refugees has placed on Zambia, and to contribute towards a longer term development strategy of benefit to both refugees and the local population, UNHCR advocated for a development planning strategy that would bring government, humanitarian and multi-and bilateral agencies together to work within a common development framework. The resulting 'Zambia Initiative', a joint effort led by the Government of Zambia, several donor governments, and international institutions, aims to reduce poverty among refugees and their host community, through harmonisation of donor action linking relief to development. An implementation strategy, co-ordinated through inter-

ministerial, donor, and local development communities consultations has been developed. Donor support for a variety of co-ordinated development activities has been secured.

38. The Zambia Initiative is an example for how donor assistance can be mobilised in a manner that benefits both the refugee and host population, easing tensions between the two groups, contributing to the sustainable development of the region and enhancing the self-reliance of refugees. Moreover, by increasing the productive capacities of refugees, programmes like the Zambia Initiative leave them better equipped to reintegrate and help in the reconstruction of their own countries should they repatriate or, in the case of third country resettlement, to successfully integrate into their new communities.

Repatriation to Angola

39. With an expected voluntary repatriation of 170,000 Angolans in 2003, and the continued relocation of thousands of internally displaced persons, the necessity of initial reintegration efforts and co-ordinated planning for repatriation, rehabilitation and reconstruction takes on added urgency. To ensure that repatriation is durable, there must be a smooth transition from repatriation assistance to sustainable development. This, in turn, requires the repair of the basic infrastructure, the construction and rehabilitation of water points, community centres, health facilities, primary schools, and sanitation facilities to the communities of concern. Development initiatives have to be undertaken to mobilise communities towards self-reliance, such as restarting agricultural production and support to small industry.

40. UNHCR is working closely with national, provincial, and local authorities as well as with other UN agencies and implementing partners to ensure a coordinated and coherent approach. Complementary activities are underway to ensure that a basic level of education, health and water/sanitation services are accessible to all community members, be they returnees or the local population, in key areas of return. Additionally UNHCR is engaged with the refugee and IDP return populations to ensure their participation in the planning and implementation of the reintegration strategy. Much still needs to be done to link the initial reintegration assistance provided by UNHCR and other agencies to the sustainable development activities necessary to ensure that return and repatriation provide durable solutions to the massive displacements of the last thirty years. This in turn requires a bringing together of many different development actors, UN agencies, bilateral and multilateral institutions, in much the same spirit that has animated the Zambia Initiative.

Sri Lankan Refugees, Returnees and IDPs

Context

41. For over eighteen years Sri Lanka has been marked by violent inter-communal strife. In 1987, following the Indian-Sri Lanka peace agreement, the Sri Lankan Government invited UNHCR to facilitate large-scale repatriation from South India. The return of more than 100,000 refugees occurred in two waves but drastically diminished by 1995 as the internal conflict between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) intensified.

42. The protracted nature of the conflict in Sri Lanka, though confined to the North and East, has taken its toll on the country as a whole, affecting all its ethnic groups, with women and children bearing the heaviest burden. By the time the February 2002 cease-fire was brokered as part of a broader peace initiative by the Government of Norway, over 64,000 people had been killed in the civil war, thousands had been maimed, 800,000 were internally displaced and more than 120,000 had sought refuge outside the country. The war quite literally devastated the social and economic fabric of the country. Current figures indicate that over 25% of the population is under-nourished and 35 percent live below the poverty line. Communities have been physically and psychologically torn apart by the violence.

43. Since the February 2002 cease-fire agreement between the Government and LTTE, over 300,000 internally displaced persons (IDPs) and over 1,100 refugees from southern India have spontaneously returned. This, along with improved freedom of movement of people and goods in the North and East, has been a key feature in making the peace process increasingly irreversible and creating positive expectations for those who have returned, and for the remaining 315,000 IDPs and 64,000 refugees in Tamil Nadu in southern India. The problems facing return and local populations, however, are considerable. The extensive physical destruction of the infrastructure, substantial economic setbacks and the sizeable number of landmines and unexploded ordinances in conflict-affected areas are among the difficulties faced by receiving communities and returnees alike.

Towards Durable Solutions

44. It is now well recognised that humanitarian assistance *combined with* development-oriented initiatives that will support the community in the longer term are key to ensure a durable peace and sustainable return. Bridging the persisting gap between relief and development, however, requires a co-ordinated approach to humanitarian and development efforts. The 4Rs process (Repatriation, Reintegration, Rehabilitation and Reconstruction), designed to do this, is one to which the UN Country team leading the humanitarian efforts and developing agencies in Sri Lanka are firmly committed. To complement this process, a joint Government and LTTE Sub-Committee on Immediate Humanitarian and Reconstruction Needs (SIHRN) has been established. It is responsible for assessing immediate and mid-term rehabilitation needs, setting priorities and co-ordinating humanitarian development activities.

45. In the context of the 4Rs process, the UN Country Team, including the World Bank and the Asian Development Bank, undertook a country-wide Multilateral Needs Assessment that distilled all existing needs assessment into a single plan. This was endorsed by the

Government, accepted by the LTTE, had the confidence of the donor community and will inform the donor conference on Sri Lanka scheduled for 9-10 June 2003.

Integrated Strategy: Transitional Recovery Project

46. In order to operationalise the 4Rs initiative, UNHCR, UNDP and UNICEF have developed a well co-ordinated joint transitional recovery project (TRP). The project consists of a package of inter-related activities that focus on reconciliation and sustainable reintegration to be implemented over a three-year period. The principal objectives of the project are to ensure respect for the human rights of returnees, support conflict resolution and peace-building initiatives, and create livelihood and reintegration opportunities for both returnee and resident populations.

47. As part of the **protection and capacity building** component of the TRP, support will be given to the Human Rights Commission of Sri Lanka. Specifically, UNHCR will focus on identifying the legal problems and human rights violations among the returnee populations and provide training programmes for addressing them and enhancing protection. UNICEF will focus on child protection issues including training activities and support for children who are unable to return to their families. UNDP will focus on human resource issues including strengthening management and other training initiatives that build on UNHCR's work in the area. Other programmes planned under the protection and capacity-building component include: provision of legal services; protection monitoring and human rights advocacy; and leadership, management, governance, project management and financial accountability training for local government and non-governmental institutions.

48. **Conflict resolution and peace-building** initiatives are designed to promote the coexistence of people living in, and returning to, communities that have been deeply divided by internal conflict and mass violence. The TRP will contribute to the work that is already being done in this area by focusing on small community-based projects that engage members of conflicting groups to work together and to help overcome deep mistrust between them. It will also support peace education activities in the schools and the formation of peace clubs for young people.

49. **Sustainable livelihood** programmes will include micro-finance activities and efforts to strengthen the capacity of local departments to provide technical support and supervision. To further promote local development and reduce unemployment a number of labour intensive public works projects will be proposed. These will be aimed at rebuilding the local infrastructure, enhancing community participation and facilitating the reintegration of more vulnerable members of the community. Moreover, projects that help match individuals with appropriate employment opportunities and to identify skill deficiencies in the labour supply for the development of appropriate area-based vocational training will be undertaken. The sustainable reintegration component of the TRP also includes an education component, the major objectives of which are to provide universal access for boys and girls to primary education and improved access to education and vocational training for adolescents and youth.

50. Integrated programmes such as the TRP are ambitious initiatives, but if adequately supported they promise to further the protection of vulnerable groups, support conflict resolution and peace building, and create livelihoods as well as lasting solutions to the

protracted displacement of Sri Lankans. In helping to ensure the sustainability of the 4Rs strategy, they contribute to stabilising and consolidating peace in the long term.

Somali Refugees

Context

51. The overthrow of the Siad Barre regime in 1991 ended twenty years of dictatorship in Somalia. Contrary to hopes at that time, the regime's demise was followed by protracted inter and intra-clan fighting that has devastated most of the country and displaced over a million Somalis. War, recurrent drought, uncontrolled pests and disease have combined to claim more than half a million deaths and continue to threaten the lives of many thousands. Apart from "Somaliland" and "Puntland", travel to several places in the country is unsafe due to sporadic fighting and land mines, creating formidable and frequently insurmountable obstacles to the delivery of humanitarian assistance. Parts of southern Somalia are in a constant state of emergency.

52. Today, some 400,000 Somali refugees are outside their country, the largest proportion being in Kenya, which hosts 155,000 Somalis, including some 120,000 within the Dadaab refugee camps. More than 300,000 Somalis are internally displaced persons (IDPs), who do not receive UNHCR assistance.

53. Although the prospects for peace in Somalia as a whole remain grim, close to half a million Somalis *have* returned throughout the last decade. The ongoing Peace and Reconciliation Conference in Mbagathi, Kenya, is in its final stages and, when implemented, will give some hope for peace in Central and South Somalia. In *Puntland*, a peace agreement was signed in May between the current President and the main opposition faction with extensive power sharing and democratic elections expected within a foreseeable future. To this end, there remains some cautious optimism over the possibility of improved access for delivery of humanitarian assistance and larger scale repatriation.

54. To date, some 214,000 refugees have returned, under the auspices of UNHCR to Somaliland, which has enjoyed relative peace and stability notwithstanding the bleak economic conditions that persist there. Approximately 152,000 refugees have repatriated to southern Somalia and 100,000 are estimated to have spontaneously returned to Puntland. UNHCR expects to assist some 70,000 Somalis to return in the next two years principally to Somaliland and to Puntland should the security situation there continue to favour repatriation. In Mogadishu, and in the central and southern areas of the country, violence and chaotic conditions continue, making any large scale organised return operations unlikely in the foreseeable future.

55. Repatriation, provided that it is supported through reintegration and sustainable development, is one durable solution that holds promise for many Somalis. However, because of the insecurity that still persists throughout the south of Somalia, compounded by other protection-related issues there, repatriation is not a realistic prospect for most refugees from the south. For this reason UNHCR is pursuing other durable solutions such as programmes to enhance the self-reliance of refugees and third-country resettlement for the most deserving and needy cases.

Repatriation and Reintegration

56. Given the relatively peaceful situation in Somaliland and the large number of refugees returning there, UNHCR, UNDP, as well as other UN agencies and NGOs have been implementing projects to meet urgent shelter, water, sanitation, health and education needs. UNHCR alone has implemented 760 Quick Impact Projects over the years. These programmes have been small in relation to need, under-funded and unable to provide sustainable reintegration solutions to ensure the durability of the repatriation process.

57. Repatriation to Somalia is far from a smooth process. Many returnees are pastoralists who, having lost their livestock, have no means of supporting themselves when they return. Many move to urban areas, which are already over crowded and lack adequate housing, health-care services, water and sanitation systems. Reintegration is further hampered by a poor economy, badly hit by the ban on livestock export, the temporary loss of foreign remittances, reoccurring drought and lack of bilateral development aid to foster economic recovery. The pressures on return areas are sufficiently severe to threaten the sustainability of the repatriation process and, most importantly, endanger the peace and stability of these regions.

58. UNHCR is in the process of engaging donors and other agencies in recovery and development activities that will benefit returnees and local communities. To this end it is promoting the Reintegration of Returnees and IDPs Programme (RRIDP) activities in Somaliland and Puntland. The RRIDP, co-ordinated by UNDP, is a reintegration strategy aimed at improving access to basic services, beyond UNHCR's interventions. RRIDP activities are designed to improve the physical infrastructure, enhance education and health services, strengthen regional and local development and technical committees, rehabilitate the environment, and enlarge economic opportunities. The RRIDP is intended to extend after UNHCR winds down its repatriation programmes, the UNDP retaining its activities in integrating development plans to enhance the sustainability of the recovery plan. To date there has not been a high level of international interest in supporting the development initiatives in the more stable and secure areas of Somalia. International contributions made available annually for UN humanitarian programmes are mainly earmarked for food and other emergency interventions, leaving little room to support the reintegration process. This is regrettable since the success of the RRIDP is key in ensuring that voluntary repatriation is a durable solution and not a factor likely to create more instability in the region. Full implementation of the RRIDP depends on securing significant development resources for the initiative.

Self-reliance

59. The vast majority of Somali refugees living in camps in the East and Horn of Africa face a number of restrictions including on freedom of movement, work permits and access to national education systems. In refugee camps like Dadaab, where over a hundred thousand refugees are concentrated, total reliance on falling levels of aid dampens all hope of self-sufficiency, heightens frustrations and contributes to the violence that scars camp life. Although UNHCR supports education and vocational training programmes as well as income generating activities aimed toward enhancing self-sufficiency, alone these programmes are not durable solutions given the limited prospects for engaging acquired skills within a closed camp environment. For that reason UNHCR is asking States to consider proposals that would permit refugee access to land and the labour market and would be supported through

development assistance designed to ensure that the benefits of integration accrue to refugees and local communities. Given the limited prospects for repatriation of refugees from southern Somalia at this time, some degree of local integration along the lines of the Zambia Initiative presents a positive sustainable solution on condition that it receives appropriate political and financial support.

Resettlement

60. Because of the sheer size and mixed characteristics of the Somali refugees, a comprehensive package of durable solutions is needed. While repatriation and local integration are obvious elements, third country resettlement will remain appropriate for selected individuals and, *increasingly*, groups. Somali Bantu refugees who have been selected for resettlement are an example of this durable solution being used strategically to resolve the pressing protection problems of a finite group of refugees. As part of an effort to use resettlement both more effectively and strategically, UNHCR is in the process of assessing whether other distinct individuals or groups of refugees can be identified for whom local integration or repatriation holds no realistic possibility. Although this category of refugees is likely to be relatively small, the need to address the long term protection needs of those who fall within it through resettlement remains pressing, given the absence of alternative durable solutions.

Iraqi Refugees and Displaced Persons: Enabling Durable Return

Context

61. For more than two decades now, Iraqis have constituted one of the largest refugee groups in the world. They have also composed one of the main groups of asylum seekers in Europe. The majority fled during one of two major exoduses. The first occurred in the 1980s for reasons related to the Iran-Iraq war. The second took place in 1991–92, consequent on the violent repression of popular uprisings following the 1991 Gulf war. In the years 1993-2002, Iraqis continued to flee the country out of fear of persecution, human rights abuses as well as deterioration of the living conditions in Iraq.

62. Current estimates suggest that the Iraqi refugee population, including asylum seekers, comes to close to one million worldwide. Of this number, nearly 400,000 have been granted asylum, some 85,000 await the results of asylum applications, and nearly 450,000 are believed to be without status, living mostly in neighbouring countries, many in vulnerable conditions. UNHCR anticipates that, should conditions in Iraq be conducive for return, nearly half of those in refugee or refugee-like circumstances (i.e. 500,000) will return. As the security situation remains unstable, and short-term economic prospects relatively bleak, UNHCR now anticipates that refugees will return more slowly than originally predicted.

63. Iraq still has a well-developed infrastructure, vast oil wealth and abundant water resources. Nevertheless, Iraqi society continues to suffer serious hardship under the cumulative effects of conflict and 12 years of international sanctions. Between 1990 and 2001, Iraq's position in the UN human development index has fallen from 76th to 127th. Economic recovery will be, therefore, a key factor in the initiation, implementation and sustainability of return and reintegration. Political developments will also be key, including the ability of the leadership in Iraq to muster broad internal and external support, to maintain the territorial integrity of the country, to establish a more representative political system and to defuse potential conflicts between religious and ethnic groups. Other institutional reforms will be equally important, including the integration of existing institutions – particularly the army - in the reform process, the demobilisation of paramilitary groups, the resumption of law and order, and redress mechanisms for past human rights violations. Security and reconciliation will require substantive judicial and legal reforms that restore the confidence of the population in government.

64. In light of the present economic and political realities, UNHCR's existing advice to governments in countries hosting Iraqi refugees and/or asylum seekers consists of the following elements: suspension of individual decision-making on international protection needs for pending asylum applications; suspension of individual processing of new arrivals; suspension of any forced returns for an initial period of three months; and temporary protection, also for an initial period of three months. This advice will be reviewed in the light of the ongoing assessment of conditions on the ground in Iraq. An initial assessment is expected to be completed by the end of June 2003.

65. Over the coming six months, through its presence on the ground, UNHCR will work to ensure the protection of uprooted people, to prevent and reduce tensions related to

unresolved displacement which may lead to new conflicts, and to contribute to conditions of safety and security.

Preparations for Repatriation and Reintegration

Repatriation and Reintegration Plan

66. In April 2003, UNHCR produced a Preliminary Repatriation and Reintegration Plan and began to expand its presence within the country. The Plan is an attempt at a comprehensive framework that outlines the basic parameters for an organised return. In preparing for an organised return, UNHCR will work to ensure that returns are voluntary and based on well-informed decisions with regard to security conditions, availability of basic services and reintegration assistance. The Office's activities will be part of the overall UN humanitarian effort in Iraq under the leadership of the Special Representative of the Secretary-General and within the humanitarian_coordination mechanism that he will establish.

67. In Iraq, UNHCR will contribute to the overall efforts to create conditions conducive to return, both for Iraqis abroad and for internally displaced persons, and to ensure that they are protected and properly reintegrated in their home communities. Systematic returnee monitoring will be carried out to identify obstacles to return and reintegration in safety and dignity. Whenever necessary, reception arrangements will be established. UNHCR will, in close cooperation with the Coalition Provisional Authority, identify gaps in existing national legislation and/or customary law that may impeded issuance of official documents. A particular effort will be made to provide returnees with counselling opportunities through community-based activities and legal aid centres. UNHCR will also promote the reduction of statelessness as well as a secure status for stateless persons, including through legislative advice.

68. The scale of the material needs for vulnerable Iraqis, in general, and the complexity of resolving and preventing displacement, in particular, will require a strong inter-agency partnership model that reflects the priority needs in Iraq, and that taps into the expertise, resources and operational activities of each partner. UNHCR, therefore, will build partnerships with development-oriented international institutions in order to ensure that the longer-term reintegration needs of returnees are included in national reconstruction programmes, in line with the Office's 4Rs programming concept.

69. UNHCR will also address, in close cooperation with partner agencies, the return and reintegration needs of IDPs. UNHCR has emphasized that many refugees and IDPs originate from the same areas, were forced out of their homes for similar reasons, and are likely to face similar problems upon return, it may be difficult –if not impossible- to separate the protection and assistance needs of returning refugees from those of returning IDPs. Interventions will include preparing and negotiating with relevant authorities, within a coordinated UN framework, a plan for the gradual and voluntary return of IDPs to their homes or their settlements, including solutions for those who have had to vacate occupied property.

Multilateral Framework Agreement

70. Three major European countries of asylum for Iraqis, which practice individual refugee status determination procedures, have sought the cooperation of UNHCR in

establishing a “framework of principles” for voluntary repatriation to Iraq. This framework agreement would cover issues such as protection and assistance standards, benchmarks for the different phases of return, as well as the role of UNHCR, in co-ordination, as appropriate, with IOM and non-governmental organizations.

71. The multilateral framework agreement would contribute to operationalizing para 8(b) of Security Council Resolution 1483/ 2003, which refers to “the safe, orderly and voluntary return of refugees and displaced persons”. Under the umbrella of this multilateral framework of principles, UNHCR may conclude bilateral agreements on return with individual governments. Interested governments, in Europe and elsewhere, should provide UNHCR with information regarding the numbers, profile and areas of origin/ return of Iraqi refugees and asylum seekers on their territories, in order to enable UNHCR to better prepare for and implement their return and reintegration.