



Great expectations

A review of the strategic use of resettlement

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Executive summary

This review examines the origins, development and evolution of the Strategic Use of Resettlement (SUR) concept. The research was undertaken by an independent consultant, with thanks to Katy Long for her role in undertaking reviews of policy and academic literature, as well as participation in the Workshop and headquarters interviews for this review. Also thanks for comments, editing and support to Jeff Crisp, Guido Ambroso, Helen Morris and Angela Li Rosi of PDES, and to staff of the Resettlement Service for comments on an earlier draft of this report.

The ways in which UNHCR communicates about SUR internally and with resettlement countries and host governments is a central theme of the report, together with questions about implementation of SUR in a changing operational environment.

SUR was formally defined by a Canadian led 2003 Working Group on Resettlement, and the definition has remained and been reaffirmed since then.¹

The strategic use of resettlement is the planned use of resettlement in a manner that maximizes the benefits, directly or indirectly, other than those received by the refugee being resettled. Those benefits may accrue to other refugees, the hosting state, other states or the international protection regime in general.

Emerging at a time of 'asylum crises' (in Europe and Australia) and a resettlement crisis for UNHCR, with reduced places globally and a decade of emphasis on return as the favoured solution, the SUR concept married various motives and ambitions. The most successful of the Convention Plus strands, building on the 2001 Global Consultations and the *Agenda for Protection*, the origins of SUR lie in a time in which protection and solutions were challenged, but new opportunities were sought, including an increase in resettlement places. Maintaining traditional resettlement, but trying to get the broadest benefits possible from each resettlement for actors other than the resettled refugee, SUR has been described as a brilliant idea, but the implementation has not lived up to the concept's potential.

The path to implementation has been one of ups and downs. UNHCR has (together with NGOs) been cautious of situations that could become strategic 'misuses' of resettlement, such as the trading of asylum or readmission with resettlement arrivals. UNHCR has, together with resettlement countries, established priority cases for SUR, although little resettlement seems to follow those priorities. Either SUR is not actually sought, or there is disagreement over what it is and where it is likely to achieve the targeted results.

UNHCR's communication of its aims for SUR shows signs of confusion: the agency does not appear to have a common line on its presentation of SUR. This could be a result of the approach

¹ UN High Commissioner for Refugees, *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, 3 June 2003, EC/53/SC/CRP.10/Add.1, available at: <http://www.unhcr.org/refworld/docid/41597a824.html>. Hereafter 'WGR 2003'.

being based on hopes rather than evidence. A 2009 paper discusses the need for measurable benchmarks.² However, such benchmarks have not been adequately developed, leaving belief in actual achievements to be a matter of interpretation. In 2011 the agency stated in relation to SUR that “not achieving goals does not mean failure”.³ While not necessarily inaccurate in general, for a concept based on ‘strategy’ this statement seems out of place.

There are few, if any, examples of SUR on which there is wide agreement that a situation started out as a case in which SUR would be applied, with specific goals, and there is agreement that those goals were achieved. Among the major examples is the resettlement of Bhutanese refugees from Nepal, in which a multi-lateral effort with a Core Group of resettlement countries at its heart, set out over several years to change the nature of a protracted crisis by using resettlement to leverage returns to Bhutan and local integration in Nepal for those who remained. By the time of this study, after five years of resettlements, there was little evidence of movement on the other solutions, although well over half of the Bhutanese refugees in Nepal had been resettled, primarily to the US.

A survey among UNHCR staff offers original insights into how SUR is viewed and applied at field level. Representatives might, for example, on a local level, be able to leverage changes in operations by arranging the resettlement of a small caseload that is a particular ‘problem’ to a host government, for example. These can be achievements, but are not the ‘big picture’ SUR that major resettlement countries seek.

One of the challenges to SUR is how to bring in host country governments. Sometimes, their action (in terms of local integration, increasing protection space or keeping borders open) is a goal of SUR. However, involving them as full partners in the endeavour, rather than as targets of it, can be difficult, particularly if they view refugees as the responsibility of the international community, not of themselves.

UNHCR’s approach to SUR seems to have been largely based on hopes and ambitions. The Resettlement Service, at the time of this review, views SUR as primarily a tool of engagement: a piece of “PR” equipment with which to get resettlement countries (including potentially new ones) to the table to discuss the undertaking of resettlement. According to this thinking, SUR is not a programmatic tool – hence there is little current concern with measurable benchmarks or evaluations in spite of the 2009 re-launch including suggestions for assessment. However, many resettlement countries do see SUR as a programmatic approach – some base almost all of their resettlement places on it, others see SUR as part programme-part engagement tool. There is confusion and contradiction in the path UNHCR has taken over the years: there is no single line on SUR from the agency and no consistency over time in the agency’s approach.

Evidence and review of particular SUR cases is essential to be able to pinpoint those achievements, and support the continuation of the concept. In this way UNHCR can better manage the expectations and aspirations of all actors involved. The terminology used, such as

² UN High Commissioner for Refugees, *The Strategic Use of Resettlement*, 12 October 2009, available at: <http://www.unhcr.org/refworld/docid/4b8cdcee2.html>

³ UNHCR, ‘Implementation of the Strategic Use of Resettlement’, Working Group on Resettlement, Geneva, 11-12 October 2011.

'priorities', needs to be precise and consistent across UNHCR policy areas to not diminish its value or sow confusion.

SUR has been useful in bringing resettlement countries together in some situations. Resettlement countries are all on board with the concept, and that is an achievement in itself. The emphasis in 2013 is on multi-lateral, multi-year planning to bring a multiplier effect through SUR. The question is whether this latest effort to move SUR from brilliant concept to useful implementation can achieve the goal, and provide evidence of that achievement to build on for future situations.

Introduction

1. Resettlement, the active selection of refugees for movement to a third country, has a long history as a durable solution for UNHCR and a humanitarian activity for certain developed countries that brings a solution to some 80,000 refugees worldwide each year. Participation also demonstrates resettling countries' humanitarianism as well as their solidarity with countries of first asylum. Resettlement is viewed by many within UNHCR and beyond as making a useful and positive contribution to refugee protection and solutions. It is, however, widely acknowledged to be resource intensive, and the small number of places available in comparison to overall need contribute to resettlement being seen by some as a luxury solution as well as an invaluable contribution.
2. The concept of the 'Strategic Use of Resettlement' (SUR) seeks to expand the benefits of resettlement activities, aiming for outcomes that positively impact others besides the individual refugees who are resettled. The concept can also be placed in the range of efforts to expand resettlement, in terms of the total number of places available and the number of countries actively involved.⁴ Formulated in 2003, it has been part of the thinking behind some, but not all, refugee resettlement carried out by resettlement countries with UNHCR's partnership since then.
3. SUR was formally defined by a Canadian led 2003 Working Group on Resettlement, and the definition has remained and been reaffirmed since then.⁵

The strategic use of resettlement is the planned use of resettlement in a manner that maximizes the benefits, directly or indirectly, other than those received by the refugee being resettled. Those benefits may accrue to other refugees, the hosting state, other states or the international protection regime in general.

4. The concept was re-launched in 2009, as a more central approach underpinning resettlement activities. At that time both UNHCR's Department for International Protection (DIP) and Policy Development and Evaluation Service (PDES) started to consider the undertaking of a thorough review of the approach.
5. This report does not review resettlement *per se* but only the specific Strategic Use approach.
6. The terms of reference for this review posed questions regarding the origins of SUR, including the context in which it emerged; the extent of changes in the operational environment since its introduction; the intended objectives and claims made by UNHCR and others in respect of SUR's outcomes and whether these have been achieved and substantiated.

⁴ See eg Danish Immigration Service, *Diversification of Resettlement Opportunities*, June 2003 <http://www.unhcr.org/3ee0520d4.html>; Canadian Council For Refugees, *Clarifying Next Steps In Supporting Integration Initiatives and New and Emerging Resettlement Countries: Proposal To The Annual Tripartite Consultations On Resettlement*, June 2003 <http://www.unhcr.org/3eed945a4.html>

⁵ UN High Commissioner for Refugees, *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, 3 June 2003, EC/53/SC/CRP.10/Add.1, available at: <http://www.unhcr.org/refworld/docid/41597a824.html>. Hereafter 'WGR 2003'.

UNHCR/PDES further asked whether the concept had been effectively elaborated and communicated to relevant stakeholders within and outside UNHCR, as well as whether there is consensus on the concept and effective cooperation in implementing it within and outside UNHCR. The concluding point of enquiry is whether the notion of 'the strategic use of resettlement' should be retained, and if so, whether any changes are required in the way that it is understood, promoted and implemented.

7. The underlying investigation could be termed as an assessment of the intentions regarding SUR: is it a programme tool, or a means of engaging actors in particular refugee situations? Does UNHCR have a unified intention with regard to SUR? Does UNHCR effectively communicate its intentions regarding SUR generally and in specific situations to resettlement and host country governments?

8. These questions form the underlying rationale for the structure of this report taking a 'stepping stone' approach from background-findings to practice-delivery-options for the future. They also underpin five hypotheses or realizations formulated during the research, which have guided the thought process behind the assessment and permeate the report:

- I. The conditions under which SUR was developed may have changed, but the hopes and challenges of the refugee protection system are such that if the concept of SUR did not exist, a similar approach would be developed today.
- II. The language surrounding resettlement in particular and solutions in general has become cluttered with insistent terms. There are 'priorities', 'priorities for strategic use', 'strategic use within comprehensive strategies' and 'enhanced resettlement', to name a few. Although this language often has the positive intention of expanding opportunities to leverage protection and dialogue with stakeholders, the effect can be to create confusion and duplication. There is a risk that stakeholders become overwhelmed. A more streamlined vocabulary consistently used across UNHCR (and ideally the broader refugee protection community) would help clarify how UNHCR and states approach resettlement generally and SUR in particular.
- III. Evaluating a concept such as SUR requires an attempt to consider its empirical success measured against stated aims. However, the language of SUR is in part intended to function as a tool of persuasion: some argue even that SUR is only intended as a tool for bringing actors to the table and that it is not meant to be programmatic. It is difficult to establish in any specific resettlement case the extent to which a SUR approach directly brought about an achievement: one can neither demonstrate complete success nor total failure of a SUR attempt. One can see that the fact of discussing a case as SUR may have contributed to movement, and to resettlement actually being carried out. In some cases movement in other protection related areas can be seen, but these cannot be directly attributed to SUR as distinct from any other circumstances or approaches involved.
- IV. To remain valuable the implementation of SUR must meet at least some of various stakeholders' expectations. At present significant expectations appear

prominently in discussion preceding specific cases. Some stakeholders are satisfied with lesser, perhaps unstated, goals being fulfilled: others see the failure to meet the most ambitious stated targets as failure of the approach itself. Differentiating between a range of expected outcomes and aspirations is not always easy, but might be necessary to ensure that a broader range of stakeholders can positively evaluate the practice of SUR.

- V. The actors in situations of SUR are generally UNHCR and the governments of resettling countries. Action, resulting from or in exchange for resettlement, is often required of governments of host countries and countries of origin but they are not (equal) actors in the process. It is not always possible for host governments to be included in negotiations about SUR due to political sensitivities. However, without the full inclusion, as partners in SUR, of governments of host countries, or at least acknowledgement of their role by other actors, SUR will remain aspirational – a theoretically useful approach rather than a practical element in seeking real solutions.

Methodology

9. The research team took a number of approaches to this review. Academic and policy literature on SUR was reviewed. Interviews were carried out with officials currently working on resettlement in resettlement countries, at UNHCR offices in resettlement countries and with those officials who held relevant positions in resettlement countries at the time at which the concept was created. A survey was circulated to over 100 UNHCR staff members around the world requesting information on their experiences in posts they have held throughout their careers, many covering the host countries from which refugees have been resettled, to ascertain views of the application of Strategic Use from the field. 27 responses were received.⁶

10. A discussion paper drawing on this material formed the basis for a workshop in Geneva at which the vast majority of participants were from UNHCR headquarters and the Brussels based Europe Bureau, with the addition of some key NGO partners. Following the workshop, interviews were held at UNHCR headquarters with relevant staff in DIP, the bureau and management.

Caveats

11. The scope of this review did not allow for in-depth case studies of any resettlement situations. Efforts were made to interview UNHCR staff in the field in various locations however they were unsuccessful for logistical reasons. This review has been conducted for UNHCR, thus the concept, its relevance, achievements and the future are viewed primarily from UNHCR's perspective, although the view from and of resettlement countries and the general situation regarding SUR also play a role. An important missing perspective is that of

⁶ Interviews were conducted by phone or Skype in most cases. For UNHCR staff, the voluntary survey offered a means for greater inclusion of views and opinion. However, the answers are not necessarily representative across the organization. They cover several situations of SUR, but not necessarily all of them, nor from every angle even within the agency.

refugees themselves: both those resettled and those who should, according to official recounting of situations, have benefited in other ways (through return, local integration, greater access to protection etc.) from the resettlement of fellow refugees. Similarly, there was limited scope to include the views of the wider NGO community who work with UNHCR in facilitating resettlement.

Outline of the report

12. This report consists of six sections. Section 2 presents 'SUR in theory' including an examination of the concept, the background to its development and the context within which it emerged. Section 3 addresses efforts to go from theory to practice, and evolution of the concept and thinking through those attempts. Section 4 looks at 'SUR in practice', presenting snapshots of cases in which SUR has been claimed, and examining the results of the questionnaire of UNHCR staff regarding SUR in the field. Section 5 asks about the 'Delivery of SUR', looking at how the concept is communicated within UNHCR and beyond; the claims for certain outcomes and evidence for these claims; the planning and goals of SUR attempts; the actors involved (or not involved), with a special focus on the governments of host countries. Finally, Section 6 sets out possible future directions for the use SUR by UNHCR.

SUR in theory: The emergence and evolution of the concept

13. The SUR concept did not emerge in isolation. This section will consider, through examination of the terminology, background, recollections and documents of the time, why and how the term 'strategic use' emerged and was conceptualized in the way it was.

Terminology

14. The term 'Strategic Use of Resettlement' was coined during a trend towards seeking 'strategy' in various policy areas, including refugee protection.⁷ The terminology of 'strategic', 'use' and the intent to 'maximise' emerged as points of discussion in responses to the survey for this review.

15. 'Strategic', is defined as doing what is necessary or important to implement a plan; required for the conduct of war and of great importance within an integrated whole.⁸ A strategy is the science and art of employing a nation's political, economic, psychological and military forces, and involves a careful plan. 'Strategy' originates in military terminology: it derives from the Greek 'strategia' meaning 'office of general, command', and has military undertones to some.

16. Being 'strategic', in the SUR case, can mean engaging resettlement country politicians and the populations they represent: it connotes bold, pre-emptive action, long-term planning, thorough thinking and a targeted outcome. Officials from some leading resettlement countries involved in early discussions recalled in interviews that they feared the terminology might be clumsy. However, they made a political decision; once it had appeared in the 2002 Agenda for Protection the term could not be revisited for fear that would lead to re-opening other parts of the document.

17. The bold terminology plays a role in expectations for the implementation of SUR. In 2011, UNHCR indicated that "non-achievement of [SUR] goals does not mean failure,"⁹ a suggestion that does not seem to sit comfortably with general understanding of 'strategy'. UNHCR also noted that exogenous factors could hamper progress as could unforeseen consequences, and that other forms of assistance might be required from the resettlement countries to achieve the desired outcomes. In other words, a 'strategic' 'use' of 'resettlement' requires more than just resettlement: there needs to be a broad plan to create the chance of achieving the objectives set out (be they in terms of unlocking solutions, access to asylum or other goals). Some cases that have been labelled SUR have been reactions to global situations or domestic needs in deciding

⁷ The language of strategy crossed from the military to business and then to policy, including humanitarian and development programmes, often to advance the perception of accountability and good management. It also entered common parlance, losing relevance along the way, and meaning that consideration of what the word really means and implies became increasingly necessary. See, for example, Clegg, S.R., C. Hardy and W. R Nord (eds.) *Managing Organizations: Current Issues* (London: Sage, 1999).

⁸ See Merriam-webster.com for example.

⁹ UNHCR, 'Implementation of the Strategic Use of Resettlement', Working Group on Resettlement, Geneva, 11-12 October 2011.

which of the world's refugees to resettle where. Does that make SUR genuinely strategic or rather 'tactical'? Does it matter? One could argue that the label is not the most important feature of the concept: but the name it carries conveys weight, and communicates expectations.

18. Strategic uses cannot always be easily identified or isolated: indeed 'strategic' seems sometimes to be stretched and applied to resettlement without strict regard, even on an expert level, for the fact that there is a 'strategic use of resettlement' concept with a definite meaning.

19. The 'use' of resettlement implies employing resettlement to achieve a goal beyond resettlement itself. From a policy perspective, this might be expedient. From a philosophical perspective one can question the appropriateness of making use of a life changing decision for an individual or group of refugees for other purposes. If those other purposes are for the greater good, if they will benefit future refugees, or benefit others by allowing them to integrate or to repatriate, voluntarily and safely, then ethical arguments could be made that justify this use. However, because there is a strong normative question mark over this 'use', there is a need to carefully assess, as UNHCR has (see below) the potential for misuse and abuse of resettlement.

20. Another term in the SUR definition which gives pause for thought is 'maximizes.' To some this means 'derive as much benefit as possible' from the resettlement: this sets the bar of expectations very high. To others, including some of the drafters and early collaborators on the concept, it means 'getting more' than just the benefits to the individual refugee: this leaves the door more open to successful use of the opportunities planned resettlement could conceivably present.

21. To some experts in the resettlement field the idea of 'maximizes' translates most accurately to there being a 'multiplier' effect - and any degree of multiplication of benefits is sufficient to justify SUR. The multiplication of those benefits should, in theory, accrue to other refugees, states and the protection system (presumably including UNHCR). If benefits accrue to the resettlement country there could be the implication that the 'strategy' in SUR lies in identifying the refugees whose resettlement would be most useful to their new country i.e. those who would integrate well. However, the overwhelming majority of those interviewed for this review described that last strategy as inappropriate.

Background

22. Examining the origins and development of SUR as a concept, and in practice requires thinking about the context of the early 2000s, including:¹⁰

- The slowing down of the US resettlement programme following the Indo-Chinese admissions, and concerns that the programme had become very immigration oriented.¹¹
- The crisis in European asylum systems.

¹⁰ This section summarizes a longer re-telling of the origins and evolution of SUR, which will be published as a UNHCR PDES 'New Issues' working paper.

¹¹ See, for example, Fredriksson, J. and C. Mougne, *Resettlement in the 1990s: a review of policy and practice*, UNHCR, EVAL/RES/14 December 1994

<http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=3ae6bcfd4&query=resettlement>.

- The relative success of the Humanitarian Evacuation Programme for displaced Kosovars in 1999, supporting Macedonia in keeping borders open – and offering resettlement (US) or temporary protection (Europe, Canada, Australia) to those evacuated.¹²
- Australian concern with boat arrivals, particularly following the 2001 Tampa incident.¹³
- Efforts to inspire new resettlement countries, and to re-start some European programmes.
- The impact of 9-11 on refugee admissions to the US, and concerns about links between terrorism and asylum (although there had been none in the cases of the 9-11 terrorists).¹⁴

23. With hindsight, much resettlement prior to the conceptualizing of SUR was underpinned by an approach and ideals broadly similar to those which came to be defined as SUR: the Comprehensive Plan of Action (CPA) for Indochina is just one example.

24. The first explicit suggestions that resettlement could be used in a more ‘strategic’ way appeared in the 1990s, in terms of simply having a plan to use resettlement for protection purposes, rather than letting resettlement take on a life of its own. The CPA had taught that long-term attention to a specific caseload allows resettlement to become more or less immigration by another means.¹⁵

25. ‘The Strategic Utilization of Resettlement’ entered the Annual Tripartite Consultations on Resettlement (ATCR)¹⁶ agenda in 2001, and was part of Global Consultation discussions marking the 50th anniversary of the 1951 Convention. These discussions set the stage for collective agreement establishing SUR.

Motivations: Addressing changes to resettlement? Addressing the Asylum Crisis?

26. The development of SUR, one government interviewee noted, was very much state-driven. Knowing the reasons for which states and UNHCR embarked on the SUR approach can further understanding of whether they would have similar reasons for maintaining the approach, or creating it if it did not already exist.

27. Interviews and the literature of the early 2000s reveal five motives underlying the SUR approach, responding to the context sketched above. These are:

- To retain resettlement in its habitual mode.

¹² See, for example, Selm, J. van (ed.), *Kosovo’s Refugees in the European Union* (London: Continuum 2000).

¹³ See eg Kneebone, S., *The Pacific Plan: The Provision of ‘Effective Protection?’*, IJRL (September/December 2006) 18 (3-4): 696-721. <http://ijrl.oxfordjournals.org/content/18/3-4/696.full.pdf+html>

¹⁴ See eg *Forced Migration Review*, September 11th – Has Anything Changed? June 2002

<http://www.fmreview.org/september-11th>; Guild, E. and J. van Selm (eds.), *International Migration and Security: Opportunities and Challenges* (Routledge: London 2005). The Boston Marathon bombings of April 2013 re-ignited concerns about resettlement or asylum as entry channels for terrorists, although at the time of writing it is not clear what the entry status of the perpetrators was, nor whether, as they were children at the time of arrival in the US, anything could be done differently.

¹⁵ Fredriksson and Mougne, op.cit..

¹⁶ The ATCR started in 1995 and continues as an annual event for strengthening cooperation between government, NGOs and UNHCR on resettlement. The meetings are important for the relationship, as well as information sharing and the discussion of ideas and approaches to resettlement.

- For UNHCR to carve out a more central policy or coordinating role in resettlement.
- A desire to expand the overall number of resettlement places.¹⁷
- Engaging European states interested in (re-)starting resettlement programmes.
- A reaction to ‘asylum crisis’ inspired visions for refugee protection.

28. The mid-1990s saw a crisis in resettlement: despite continued need, many programmes had either closed or been significantly reduced. UNHCR’s solutions work in the early 1990s was almost exclusively focused on voluntary repatriation, perceived then as the most politically palatable and rights-conscious solution. However, there was an increasing sense that resettlement had an important role to play in achieving protection and in finding balanced solutions.¹⁸ For UNHCR SUR created an opportunity to develop a more central role in resettlement generally, and in relation to all resettlement programmes, including the larger North American and Australia ones in which UNHCR had had a comparatively limited role.¹⁹

29. UNHCR’s Background Note for the 2001 ATCR Agenda Item: Strategic utilisation of resettlement to enhance asylum and protection prospects pondered an expanded approach to resettlement:²⁰

“How much further should resettlement move from being the *exceptional* response in specific individual situations to which it was relegated post-the Southeast Asian refugee experience?” More specifically, is there a role for resettlement in the nexus between international migration, border control mechanisms, and the international obligations to provide access to asylum and protect refugees from ‘*refoulement*’?

30. The NGO response²¹ linked resettlement and asylum issues showing concern about the potential use or abuse of resettlement by states to undermine asylum and the norm of non-refoulement.²²

31. Europe and Australia’s ‘asylum crises’ with high arrival numbers (of both asylum seekers and irregular migrants) and increasing intolerance among the populations gave rise to plans and debates on resettlement as a counter-balance to asylum. Canada and some other traditional resettlement countries responded by trying to ensure that resettlement retained its traditional

¹⁷ See for example, UN High Commissioner for Refugees, *Global Consultations on International Protection/Regional Meetings: Nordic Regional Resettlement Meeting on 'Resettlement as a Multi-Faceted Protection Tool and Its Relationship to Migration'* (Oslo, 6-7 November 2001), 16 April 2002, EC/GC/01/9, available at: <http://www.unhcr.org/refworld/docid/3f1fcc884.html>

¹⁸ Troeller, G., ‘UNHCR Resettlement: Evolution and Future Direction’, *International Journal of Refugee Law*, 2002 14(1) p.91.

¹⁹ See eg Troeller, *Ibid.*, 85-95; Bessa, T., ‘From political instrument to protection tool? Resettlement of refugees and north-south relations’, *Refuge*, 2009 26(1), 91-100; Zieck, 2010a, *Quota Refugees: the Dutch contribution to burden-sharing by means of resettlement of refugees*, *Journal of Legal Information*, <http://papers.ssrn.com/sol3/papers.cfm?abstractid=1755751>

²⁰ UNHCR, Background Note for the Agenda Item: STRATEGIC UTILISATION OF RESETTLEMENT TO ENHANCE ASYLUM AND PROTECTION PROSPECTS

²¹ The NGO response was drafted through a committee of US NGOs although tabled as being by an author from the International Rescue Committee: Green, M., *Strategic Utilisation of Resettlement to Enhance Asylum and Protection Prospects: NGO Statement*, ATCR 2001 <http://www.unhcr.org/3b30baec7.html>.

²² Green, *Ibid.*...

role, while using the opportunity to potentially increase the number of resettlement places and states. Engaging discussion on SUR, while expanding resettlement from being a solution for individual refugees to being a tool that could leverage more protection and other solutions, was a way of constraining more creative plans for its adaptation. The North Americans in particular wanted to ensure that resettlement did not become hostage to the 'asylum crisis' debates and creative policy tendencies: in their understanding this would only confuse the issue of refugee protection and jeopardize the great value of resettlement.²³

32. Australia's Pacific Solution (removing boat arrivals in Australia to Pacific Islands for asylum processing, starting in 2001) saw a combination of 'off shore' processing for asylum and juxtaposing of the worthy refugees who await resettlement and the 'selfish' asylum seekers looking for protection or a better life at the end of dangerous boat journeys.

33. Partly inspired by this, in the face of the politics of the asylum crises and response to financial concerns, some European leaders pondered 'new' or 'creative' approaches including the UK's New Vision for Refugees.²⁴ The Danish government, for example, calculated that one krone spent on asylum in Denmark was equivalent to 100 krone that could be spent on refugees in host countries in their region of origin.²⁵ Part of the vision was to financially support developing (African) countries to provide improved protection and make local integration attractive and possible. Countries would be encouraged to accept the readmission of people who sought asylum in Europe by the offer of resettlement for a proportionally larger number of people than those readmitted. New Visions suggested 'regional protection areas' and 'managed resettlement' from those areas for people who could not return or integrate locally.

34. The discussions this paper inspired pushed the European Commission to work with the most interested EU member states²⁶ and to develop 'Regional Protection Programmes'.²⁷ UNHCR responded to the UK proposals with a 'Three Prong Approach', talking of expanded resettlement in its regional prong: the word 'strategic' was applied only to development assistance.²⁸

35. The academic literature on the development of SUR focused on the parallels to discussions regarding EU resettlement policy.²⁹ There is little concrete evidence that the EU thinking played directly into the content of the Multilateral Framework Understanding on Resettlement (which was above all the product of traditional resettlement states, in particular Canada). Nevertheless, the parallel tracks of SUR and EU thinking on resettlement undoubtedly did influence the way

²³ US and Canadian interviews.

²⁴ See UK New Vision for Refugees, 7 March 2003,

http://www.proasyl.de/texte/europe/union/2003/UK_NewVision.pdf for one of the many versions of this paper which circulated at the time.

²⁵ Information from interviews for this study.

²⁶ Specifically the UK, Denmark and the Netherlands.

²⁷ European Commission, COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT ON REGIONAL PROTECTION PROGRAMMES, COM(2005) 388 final Brussels, 1.9.2005

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0388:FIN:EN:PDF>

²⁸ UNHCR, Working Paper 'UNHCR's Three-Prong Proposal', Geneva, June 2003

²⁹ Selm, J. van, 'The Strategic Use of Resettlement: Changing the Face of Protection', *Refugee*, 21(1), (2004) 39-48; Loescher, G. and Milner, J., 'The missing link: the need for comprehensive engagement in regions of origin', *International Affairs*, 79(3), (2003) 583-617.

in which the package was presented, perceived and re-framed by some states,³⁰ and might help to explain why different understandings of SUR in Europe on the one hand and in North America (and Australia) on the other persist.

36. The coalescing of motives and intentions between actors addressing resettlement needs and the asylum crises, as well as the tensions between these same actors (to protect or to dramatically alter the refugee protection system) set the backdrop for the formulation of SUR.

Developing a concept: Global Consultations, Agenda for Protection, Convention Plus and Canadian leadership

37. During the 2001 Global Consultations discussion on resettlement UNHCR pointed to its potential as part of “a comprehensive protection and solutions strategy”.³¹ Suggested complementary benefits included: changes in attitudes to asylum in countries of first refuge; a relief of pressure in those countries; the enhancement of protection and asylum prospects for the non-resettled population; that new resettlement programmes can improve asylum systems through RSD, and; a focus on skills, resources and integration. However, it was stressed that resettlement is no “panacea for irregular movements, and more and better resettlement opportunities will not, alone, combat this trend.”³²

38. Protection “should be enhanced through an expanded number of countries engaged in resettlement, and a more strategic use of resettlement, which would enhance protection for as many refugees as possible, taking into account the resource implications involved.”³³ The 2002 Agenda for Protection provided the catalyst for concretizing the SUR concept.

39. NGOs stressed the importance of using resettlement “to complement, not to replace asylum”, stating that “political leadership is needed to counter the idea that ‘resettled = good refugees’ while ‘asylum-seekers = bad refugees’.”³⁴ The NGOs also favoured better integration of resettlement in a durable solutions approach, noting the “strategic and complementary potential of the three durable solutions”.

40. Developing countries pushed for the inclusion of resettlement, and its burden-sharing role, in the Agenda for Protection. UNHCR sought increased resettlement coordination and more

³⁰ Selm, Ibid.

³¹ UNHCR, ‘Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities’, Global Consultations on International Protection 4th Meeting, EC/GC/02/7 25 April 2002, published in *Refugee Survey Quarterly* (2003) 22 (2 and 3): 249-255

³² Ibid. The idea of raising awareness of the plight of refugees through the use of resettlement arose in this paper, but it has not been an obvious element in any of the literature since that time.

³³ UN High Commissioner for Refugees, *Global Consultations on International Protection/Regional Meetings: Nordic Regional Resettlement Meeting on 'Resettlement as a Multi-Faceted Protection Tool and Its Relationship to Migration'* (Oslo, 6-7 November 2001), 16 April 2002, EC/GC/01/9, available at:

<http://www.unhcr.org/refworld/docid/3f1fcc884.html>

³⁴ NGO Statement on Resettlement, Global Consultations on International Protection, 22-24 May 2002, <http://www.globalhumanitarianplatform.org/doc00000867.html> also in RSQ, Ibid., 432-44.

responsiveness from major resettlement countries to UNHCR's requests for cases and groups.³⁵

41. Goal 5 of the Agenda for Protection called for the "redoubling the search for durable solutions". Objective 1 under this goal sought new approaches to solving protracted refugee situations, and recommended that a Working Group on Resettlement "explore how strengthening capacity in host countries affects the pursuit of other available durable solutions, as well as a more strategic use of resettlement, including within regions affected by refugee movements."

42. Objective 5 of Goal 5 also called for expanded resettlement opportunities, including:

UNHCR to work to enhance protection through an expansion of the number of countries engaged in resettlement, as well as through more strategic use of resettlement for the benefit of as many refugees as possible, taking, however, into account the resource implications thereof.

43. Meanwhile, Objective 2 of Goal 3 requested the Working Group on Resettlement to "continue to examine the relationship between protection capacity and resettlement" - effectively, to assess how resettlement could play a role in improving global capacity to protect refugees.

44. A 'more strategic use of resettlement' was wanted, but what that meant and how it could be achieved remained open.

45. Canada was central in taking SUR forward, using UNHCR's 'Convention Plus' initiative as the vehicle for putting their mark on this concept. Canadian officials aimed to retain resettlement in its traditional form. This should contain what was seen as the European and Australian push to almost 'hijack' resettlement.³⁶ They also stressed the potential for resettlement to bring additional benefits beyond those obvious benefits that the individuals resettled gained. Interviews suggest that a major motive for the Canadians in doing this was to mainstream resettlement - ensuring it was not a side issue, but a lever in a humanitarian whole.

46. The 2003 Canadian-led paper for the Working Group on Resettlement defines SUR, and sets out the three-fold approach to resettlement that continues to frame current discussions on the subject. Resettlement is described as first a tool of protection; second a pathway to durable solutions, and; third a means of international burden-sharing, reflecting the UNHCR efforts noted above. A *strategic use* of resettlement means that resettlement is intended to function not just as a solution on its own terms, but to open up additional space for other solutions: "resettlement can play an important catalytic role in encouraging comprehensive durable solutions."³⁷

³⁵ Interviewees indicate that Nordic states were in general much more responsive to UNHCR in shaping their their eligibility criteria and selection processes with UNHCR compared to the North Americans, for example, who were rather more driven by domestic policy considerations.

³⁶ Interviews

³⁷ WGR 2003, op.cit., para.8

47. However, the informal record of the Convention Plus Core Group on SUR of November 2003 hints at the difficulties that lay ahead.³⁸ The discussions presumed a range of conceptual and inter-state relationships that could, or should, have come out of Convention Plus. They did not: the SUR concept became the strand of Convention Plus that “came closest to meeting ambitions” according to observers, even if it “was a modest and uncontroversial statement”, which involved no binding commitments and fell short of a special agreement.³⁹ However, SUR was left without the anticipated foundations or conceptual links to the fruits of the two other strands.⁴⁰

48. Within Convention Plus an original aim of SUR was to encourage both northern and southern states to participate in the other strands of the initiative. Failure to reach accord on either Irregular Secondary Movement or Targeting Development Assistance meant this aspect of SUR was redundant. The Multi-lateral Framework Understanding on Resettlement agreed as part of the Convention Plus process built on understandings expressed in the Canadian paper, but was the product of discussions between the members of the Core Group on Resettlement, looking at SUR as one part of a comprehensive strategy but also at resettlement as, in some contexts, an appropriate stand-alone response by a multi-lateral group to a refugee situation.⁴¹ Thus a significant opportunity to engage governments of host countries in SUR was lost, and a concept which can really only achieve its goals if those governments are fellow actors with UNHCR and resettlement countries has effectively made host countries targets of the policy instead.

49. Crafting the SUR concept in broad enough terms to cover all interests took skill, and was achieved. However, the resulting definition and terminology inevitably, or even deliberately, left some issues open. Resettlement including SUR could be framed however UNHCR, which gained the potential for a more central role, wanted to see it: as a protection tool; a durable solution (both in its own right and as an element of a comprehensive solutions strategy) and as a burden sharing mechanism. SUR could be all things to all people: but this ran the risk that it would mean nothing substantive. The question is whether the breadth of the concept has made it more or less easy to implement in a way that UNHCR and states could view as successful or even satisfactory?

50. By the end of 2004 two clear problems were emerging in converting SUR from concept to reality. One was the attempt to make connections that went beyond resettlement, and even beyond refugee protection. The other was connecting SUR with resettlement writ large (i.e. used to benefit a resettling refugee but with no additional objective). In fact, much of the discussion remained more technical, focusing on multi-year quotas and group resettlement, as well as expanding the number of resettlement countries.

³⁸ UNHCR, *Informal record meeting of the convention plus core group on the strategic use of resettlement* (Geneva, 24 November 2003) <http://www.unhcr.org/refworld/topic/4565c2251a,471cc40a2,471dddfcb2,0,UNHCR,,.html>

³⁹ Betts, A. and Durieux, J-F., ‘Convention Plus as a norm setting exercise’, *Journal of Refugee Studies*, 20(3), (2007) p.514.

⁴⁰ UN High Commissioner for Refugees, *Informal Record. Meeting of the Convention Plus Core Group on the Strategic Use of Resettlement* (Geneva, 24 November 2003), 12 December 2003, FORUM/CG/RES/05, available at: <http://www.unhcr.org/refworld/docid/471dddfcb2.html>

⁴¹ UN High Commissioner for Refugees, *Multilateral Framework of Understandings on Resettlement: final version*, 16 September 2004, FORUM/2004/6, available at: <http://www.unhcr.org/refworld/docid/41597d0a4.html>

Moving from concept to practice

51. The reviews of SUR have been mixed. In the words of one particularly critical interviewee SUR is “a wonderful concept, but an abysmal failure [in practice].” Another interviewee was positive regarding the concept, but sceptical on implementation. A third interviewee noted that the concept is neither wrong nor flawed, but there remain questions on how to implement it. The assessment of SUR as a useful and indeed valuable concept but a practical failure was widespread among experts interviewed for this review, and emerges from the official literature on SUR particularly from 2007 onwards.

52. Recognizing that a potentially useful concept has neither become an integral or focal part of refugee protection thinking in its own right nor achieved demonstrable success, UNHCR and some of the states involved began, under Swedish leadership in 2009, to undertake efforts to reinvigorate it. Two questions for this review are whether or not those efforts have been successful, and why a concept with broad support among states, UNHCR and NGOs is so difficult to implement.

UNHCR 2004-2009: Claims, concerns and hopes

53. During the first five years of SUR the subject was discussed, and entered UNHCR Country Operation Plans,⁴² ATCR papers, and national documents on resettlement. It was not developed further, but was noted in a way that suggests a duty to reference an important approach.

54. This was a period in which broader attention shifted away from developed country concerns with asylum (although these always linger, and cannot be ignored) towards irregular migration involving mixed flows, protracted refugee situations and the livelihoods of urban refugees in the developing world. These are intellectual changes and refinements in discussing and understanding the refugee issues that were already present, as much as actual changes in phenomena, but together they represent shifts in the operational context and environment.

55. The possible role of SUR in seeking solutions to newly prominent issues such as protracted refugee situations (PRS) and urban refugees was a two way street, also contributing to SUR’s further evolution. While various branches of UNHCR were starting to consider SUR, and develop the links between the concept and practical protection and solution issues around the world, both UNHCR and NGOs voiced some concerns about the ways in which SUR could be used and abused. Different Bureaux and DIP also seem to have made different claims for SUR, or at least viewed the concept in different ways.

56. The 2005 ATCR report, for example, notes discussion of SUR in Kenya, with a focus on the

⁴² e.g. UN High Commissioner for Refugees, *UNHCR Country Operations Plan 2006 - Nigeria*, 1 September 2005, <http://www.unhcr.org/refworld/docid/4321999b2.html>; UN High Commissioner for Refugees, *UNHCR Country Operations Plan 2006 - Sierra Leone*, 1 September 2005, <http://www.unhcr.org/refworld/docid/43219ab82.html>

links with voluntary repatriation in particular and durable solutions in general:⁴³

57. It was claimed that in the Asia context, SUR had been used in two ways: (i) resettlement as a durable solution but also as a tool of protection, and (ii) resettlement to leverage other solutions within the framework of Convention Plus.⁴⁴ In response to questioning by Sweden about how the resettlement of Burmese from Thailand could be called 'strategic', (a question that seems logical given that the first strategy claimed is simply the normal use of resettlement) the Director of the Asia Bureau, responded for UNHCR that SUR in Thailand had "improved protection space by enabling UNHCR to set up a regular asylum system for incoming Myanmar refugees and allowed better access to the refugees."⁴⁵

58. At the same meeting, the Deputy Director of the Europe Bureau stated that the resettlement agenda fit strategically with aims regarding statelessness and the development of asylum systems, perhaps reflecting, at least semantically, the persistent spread of meanings and intentions regarding 'strategic' and 'resettlement', and their use in ways that did not fit with the intention of the concept as defined.

59. Whereas 2005 documents suggest an enthusiasm in UNHCR to push forward with SUR, and almost trendiness in making claims for the concept, in 2006 there seems to have been a pullback – a realization that even such a promising concept could also have drawbacks.

60. In a discussion paper for the 2006 ATCR, UNHCR expressed both its hopes and concerns for the outcomes of SUR. The paper focused, in its discussion of SUR, on coordination, numbers, group submissions, protracted situations and the negative impact that a focus on resettlement could actually have on other solutions, in particular return. The challenge remained "how to conduct resettlement without increasing the risk that other potential solutions will be undermined."⁴⁶ The 2005 Kenya *Country Operations Plan* provides an example of this, focusing on the need to avoid turning resettlement into a pull factor, and "to take care in identifying sub-groups within the overall refugee population who could benefit from resettlement, to minimize the impact on the ability and willingness of the majority to return", while still aiming to pursue local integration.⁴⁷

61. A potential pitfall in SUR had been identified: while the idea was to use resettlement in order to create other possibilities, in fact there is always the risk that the option of resettlement will limit the willingness of refugees and states in the region of origin to participate in other solutions.

62. The 2006 ATCR discussion paper suggested that poorly conceived and managed resettlement would lead to problems, and particularly that a 'resettlement only' approach to durable solutions could produce negative impacts such as secondary movements and pull-factors from the country of origin. However, it was still claimed that "with proper management and oversight, resettlement can be expanded to benefit greater numbers of refugees and the

⁴³ UNHCR, Report on the Annual Tripartite Consultations on Resettlement (Geneva, 14-15 June 2005) p.3

⁴⁴ UNHCR, 2005 op.cit., p.7

⁴⁵ Ibid., p.9

⁴⁶ UNHCR, Challenges in Addressing Global Refugee Resettlement Needs, Discussion Paper for the Annual Tripartite Consultations on Resettlement, (22-23 June 2006) p.8

⁴⁷ UN High Commissioner for Refugees, *Kenya*, April 2005, op.cit..

risks mitigated.”⁴⁸ The plea was for resettlement to be used flexibly, and the paper was quite explicit in setting out fears regarding an overly eager rush towards large-scale SUR:⁴⁹

Resettlement could thus be strategically and carefully resorted to – for even groups of refugees – in the manner in which it has been used in some regions in a post-repatriation context for a residual population without viable options for local solutions. However, priority should be placed on maximizing complementarities while minimizing possible discord with other solutions, above all the willingness of refugees to repatriate. Moreover, such a strategic use of resettlement, if resorted to, will make sense only if a willingness of the host country to promote the local integration of a proportion of the residual refugee population could be counted upon.

63. Both the 2005 claims to see SUR in action and the 2006 cautionary notes seem to have been more based on sentiment or wishful thinking than on concrete evidence.

64. 2007 saw a continuation of hopes for SUR, but also more wariness: UNHCR’s public offerings on the subject seem to convey a sense of mixed feelings. The concept could be really useful, but could also open more dangers, and there was still little practice on which to base conclusions.

65. The 2007 ATCR centred on Protracted Refugee Situations (PRS), and the resettlement focus was on incorporating it into discussions of comprehensive durable solutions. One suggestion was that “resettlement may be able to be used in other locations in a strategic or catalytic manner as has occurred in Nepal and SE Asia.”⁵⁰ Yet in neither of these cases, as evidenced by the Swedish question on Burmese from Thailand and the lack of progress towards solutions other than resettlement for Bhutanese in Nepal, was SUR an acknowledged success.

66. Nonetheless, it was suggested that the interest in SUR could be leveraged:⁵¹

Within the present fragile protection environment, UNHCR is identifying refugees in need of resettlement. The international community however has supported the strategic use of resettlement as a durable solution, which UNHCR hopes will be a catalyst to initiating a comprehensive durable solutions program.

67. At the 2007 ATCR UNHCR staff based in the Middle East commented on how difficult it is to use resettlement strategically when faced with the political aspects of PRS – demonstrating the distance between theory and reality in SUR.

68. Thus by late 2007 the sense was emerging that SUR was vague and not proving particularly useful in advancing UNHCR’s protection or solution agendas. This lack of certainty can be read in a 2007 speech by Erika Feller, in which she stated that “While resettlement trends are broadly positive, UNHCR is concerned about the growth of a class of persons becoming the

⁴⁸ UNHCR, ATCR 2006, op.cit., p.9

⁴⁹ Ibid., p.9

⁵⁰ UNHCR, Draft Report on the Annual Tripartite Consultations on Resettlement, Geneva, 28-30 June 2007, p.6.

⁵¹ UNHCR, Projected Global Resettlement Needs 2008 http://www.unhcr.org/wgr/past-wgr-meetings/ATCR_agenda_item3c_2008_resettlement_needs.pdf

'untouchables' for resettlement countries, and the strategic use of resettlement has included also some incidents of strategic misuse."⁵²

69. Feller's concerns, which related specifically to the apparent contradiction in the UK starting up its Gateway Protection Programme by resettling Congolese refugees from Uganda and Rwanda, but in the same month initiating the returns of rejected Congolese asylum seekers, seemed to echo fears expressed by NGOs in 2004. Perhaps this two way movement could be explained on the basis of details of the claims to protection, but it looked very much like a statement on the means of arrival: resettlement = good; asylum seeker = bad.

70. In suggesting that SUR had been misused in 2007, Feller stressed that "resettlement should not become a substitute for asylum within a State for spontaneous arrivals; nor should it become the quid pro quo for a functioning re-admission arrangement." By 2007 'strategy' appears (from policy documents) to have been recognised as a double-edged sword in terms of advancing UNHCR's protection and solution agendas. Rather than being an outcome that returned resettlement to its roots, but with the added value of actively employing it to seek comprehensive solutions, the relatively open SUR terminology seemed to be providing justification for those politicians and policy makers who saw resettlement as a potential strategy for restricting asylum.

71. It is extremely difficult to establish with any certainty the impact of SUR in practice from policy documents. Even in 2003-4 there was a clear reluctance among resettlement states – despite pressure from some first asylum states – to discuss situation-specific undertakings. The result was a framework for SUR that was deliberately separated from any concrete case-based discussions. Informal records show both UNHCR's interest in "partners in resettlement undertaking commitments on which he could rely in developing strategic plans of action to address specific situations," and the agreement by states – in the interest of establishing principles – that "participation in the Core Group should not be taken to mean willingness to participate in situation-specific agreements."⁵³

SUR in national resettlement documents

72. The development of the SUR concept was state driven, so national documents demonstrate 'buy-in' and the way in which SUR is noted in those documents, in comparison to the UNHCR documents noted above, can reveal both of the extent of common understanding, and whether UNHCR has successfully communicated its own position on SUR to resettling countries.

73. Annual reports and other government papers on resettlement in North America and Australia have noted SUR, placing UNHCR as a central actor in the SUR process. Writing that resettlement is being used strategically appears to demonstrate the international aspect of programmes for traditional resettlement countries, making them appear more humanitarian as

⁵² UN High Commissioner for Refugees, *Statement by Ms. Erika Feller, Assistant High Commissioner - Protection, at the fifty-eighth session of the Executive Committee of the High Commissioner's Programme, 3 October 2007*, <http://www.unhcr.org/refworld/docid/4704e18d2.html>

⁵³ UN High Commissioner for Refugees, *Informal Record. Meeting of the Convention Plus Core Group on the Strategic Use of Resettlement (Geneva, 24 November 2003)*, 12 December 2003, FORUM/CG/RES/05, available at: <http://www.unhcr.org/refworld/docid/471ddfc2.html>

well as more politically appropriate. For example the US notes how SUR will be used overseas “to promote more generous policies among countries of origin and refugee hosting countries toward repatriation and local integration, respectively, and to leverage greater support for third country resettlement among governments with the capacity to do more in this area.”⁵⁴ Similarly, the Australian government notes SUR in explaining its international role in resettlement.⁵⁵

74. SUR was first mentioned in US State Department’s annual *Report to Congress on Refugee Admissions* containing plans for FY2006.⁵⁶ The language of that report has been standard since then: “We would like to see UNHCR make further *strategic use of resettlement* and expand the number of referrals it makes annually.”

75. This reference is framed by percentages of UNHCR referrals that go to the US (with a commitment of at least 50 per cent of UNHCR referred refugees being resettled to the US: between 2004 and 2012 almost 70 per cent of UNHCR referred refugees have gone to the US annually). This seems to imply that the US’s commitment to SUR is linked to overall resettlement capacity. In that case, if more countries were to engage in resettlement, or other current resettlement countries were to increase their quota, thus increasing the total ‘pie’, the US’s numbers would rise accordingly. However, US officials foresee if this ‘fortunate situation’ were to arise, the need to reconsider the percentage in the context of global needs, receptivity on the part of the US population and the budget involved.⁵⁷ Further mention of SUR in the same 2005 report relates to East Asia and durable solutions:⁵⁸ and to the plans regarding refugees in Malaysia in particular,⁵⁹ placing UNHCR in the central role in the strategic use of resettlement in this case – but leaving open the question of what the benefit to others than the refugees resettled might be, although it is clear that the refugees themselves would benefit from resettlement.

76. The references to SUR in the US reports could be viewed as conflating ‘strategic use’ with large scale resettlement: implying there is something strategic in applying large numbers of places to a given case. Similarly, the Canadian government reports on resettlement have made references to strategic use, noting Canada’s role in the MFU and that the country is “at the

⁵⁴ United States Department of State and United States Department of Homeland Security Proposed Refugee Admissions For Fiscal Year 2012 Report To The Congress Submitted On Behalf Of The President Of The United States To The Committees On The Judiciary United States Senate And United States House Of Representatives In Fulfillment Of The Requirements Of Section 207(D)(1) And (E)(1-7) Of The Immigration And Nationality Act, September 2011, <http://www.state.gov/documents/organization/181378.pdf> p.6.

⁵⁵ Australian Government Department of Immigration and Citizenship, Australia’s Humanitarian Program 2012-13 and beyond: Information Paper, December 2011 http://www.immi.gov.au/about/contracts-tenders-submissions/_pdf/2012-13-humanitarian-program-information-paper.pdf (viewed 17 September 2012)

⁵⁶ United States Department of State, United States Department of Homeland Security, United States Department of Health and Human Services, PROPOSED REFUGEE ADMISSIONS for FISCAL YEAR 2006 REPORT TO THE CONGRESS submitted on behalf of the President of the United States to the Committees on the Judiciary United States Senate and United States House of Representatives in fulfillment of the requirements of section 207(e) (1)-(7) of the Immigration and Nationality Act, September 2005 <http://2001-2009.state.gov/g/prm/refadm/rls/rpts/52366.htm> p.2, *emphasis added*.

⁵⁷ Communication with relevant officials.

⁵⁸ *Ibid.*, p. 22 (“East Asian countries host a large and diverse refugee population and recent years have seen important developments for these groups, particularly involving the strategic use of resettlement as a durable solution,”)

⁵⁹ *Ibid.*, p. 23 *emphasis added*.

forefront of using group resettlement strategically”⁶⁰

77. Canada also conducted an evaluation of the strategic outcomes of its refugee policy architecture, which noted:⁶¹

CIC continues to use the Refugee Resettlement Assistance Program more strategically in order to leverage benefits beyond those for persons being resettled and to reduce the numbers of refugees in particular situations. CIC does this by working with other government departments, the international community and other resettlement **countries** to find more durable solutions for more refugees.

78. What is not clear from this report is exactly how this cooperation takes place: what is clear is that it is viewed as important and appropriate to use the SUR language, and to make public claims on this basis.

79. Over the period 2004-2009 new resettlement programmes were starting in some EU Member States (e.g. UK), or re-starting in others (e.g. the Netherlands), while the European Commission was also continuing to explore the possibilities of an EU-wide resettlement scheme.⁶² The Council of Europe, in 2005 encouraged “the strategic use of resettlement as advocated by the UNHCR as a tool of protection, a durable solution and a tangible form of burden sharing in protracted refugee situations.”⁶³

80. The language of SUR was becoming widespread, and UNHCR was taking a leading role in promoting the concept – or being assigned that role by states. UNHCR’s own writings seem conflicted, with no single agency-wide line. Some suggested SUR could make a significant contribution. Others indicated caution that SUR could backfire, through misuse or abuse, intended or not.

2009-2012: re-launch of SUR

81. Interviews reveal that the 2009 re-launch of SUR by UNHCR and the Swedish chair of the Working Group on Resettlement was an effort to deal with the difficulties in trying to develop a coherent strategic use approach and to add more resettlement countries. The discussions they began aimed at specifying strategic protection dividends and developing concrete steps and work methods for initiatives in these situations. They also resulted in UNHCR tabling a discussion paper for the WGR in October,⁶⁴ followed by a revised UNHCR policy position

⁶⁰ See eg CIC, Annual Report to Parliament on Immigration, 2005, Section 4: Maintaining Canada’s Humanitarian Tradition, <http://www.cic.gc.ca/english/resources/publications/annual-report2005/section4.asp>

⁶¹ CIC, Strategic Outcomes and Program Activity Architecture (in effect April 1, 2011), Program Activity 2.2 – Refugee Protection, <http://www.cic.gc.ca/english/department/paa/2011/activity-22.asp>

⁶² Selm, J van *et al*, Feasibility Study, *op.cit.*

⁶³ Parliamentary Assembly of the Council of Europe, Resolution 1474 (2005) Activities of the Office of the United Nations High Commissioner for Refugees (UNHCR) para 8.8
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/ERES1474.htm>

⁶⁴ UN High Commissioner for Refugees, *The Strategic Use of Resettlement*, 12 October 2009, available at: <http://www.unhcr.org/refworld/docid/4b8cdcee2.html>

paper setting out UNHCR's understanding of SUR in June 2010,⁶⁵ and an October 2011 discussion paper on implementation of SUR.

82. The 2009 paper noted that:

... the *strategic* use of resettlement is sometimes misunderstood and undervalued. The need to integrate resettlement into broader protection strategies is widely recognised. When done effectively, the results of resettlement can be powerful beyond the actual number of persons resettled.

83. Again, however, the evidence for this statement on the power of resettlement was lacking: it remained a matter of hope rather than proven fact. The paper sought to clarify the meaning of SUR and set out for discussion some of its potential impacts as well as detailing the ways in which UNHCR has sought to use resettlement to enhance protection, including:

- Coordination across resettlement countries and with UNHCR
- Multi-year planning
- Concerted efforts to extract benefits

84. However, UNHCR cautioned that resettlement should not be made conditional on additional protection benefits, but should continue to be conducted also in situations where a SUR outcome is not envisaged.

85. The paper and discussions, while spelling out the issues more clearly, ran the risk of diluting the original intentions. There is some ambiguity in the 2009 paper: on the one hand it can be read as setting out a broad range of protection benefits that could be accrued at different levels, while noting that not all resettlement has to be SUR. On the other hand it can also be read as suggesting that there are additional non-protection benefits that could be encompassed by SUR. Even if that latter was not the intention of the UNHCR drafters, interviews and study of the paper suggest that the ambiguity is there and persists, causing some government officials to be concerned that resettlement countries' own strategies and benefits could become central to the concept, thereby diminishing the original intention of bringing benefits to other refugees.

86. The 2009 paper is explicit with regard to evaluation, noting that the need to define "measurable benchmarks and time frames to evaluate protection benefits may be challenging but will enable mobilizing efforts and focusing on results."⁶⁶ This suggests a move towards programme goals, although the subsequent use of SUR as a concept by the Resettlement Service in particular seems to have been from the standpoint of the concept as a tool of engagement, bringing actors to the table to stimulate resettlement, without necessarily setting out a programme with measurable goals.

87. The 2010 paper, which resulted from states requesting a greater delineation of the SUR

⁶⁵ UN High Commissioner for Refugees, *Strategic Use of Resettlement*, 4 June 2010, available at: <http://www.unhcr.org/refworld/docid/4c0d10ac2.html> (This paper is based on the discussion paper tabled by UNHCR at the Working Group on Resettlement (WGR) in Geneva on 14 October 2009 and includes revisions following discussions at the WGR and the subsequent extraordinary meeting of the WGR held in Geneva on 18 December 2009).

⁶⁶ 2009 paper, *op.cit.*, para 4 (d).

concept, develops a more comprehensive list of benefits that could be considered to amount to SUR (including encouraging shifts in refugees' culture/behaviour e.g. improved access to education for girls) than was included in the 2004 discussions. It also includes some (limited) examples of where SUR has been put into practice, and makes a particular connection between SUR and protracted refugee situations (PRS); advancing the idea that using resettlement strategically could help to broker solutions to long-running refugee crises.

88. Spelling out some of these aims made the ambitions of SUR seem more tangible and less lofty. However, some, such as the behavioural change notion cited above, are open to question. While some changes in social attitude might seem for the greater good, and for the good of individuals concerned, whether the dangling of the promise of a new life in the developed world (with all of its own potential pitfalls as well as opportunities) by those with the power to make resettlement decisions (but without a large number of places to share around) is ethically appropriate is questioned by some officials. What is more, interviews and responses to our questionnaire demonstrated that UNHCR staff diverge in their opinions on this, meaning the agency as a whole has difficulty in holding one line.

89. The re-launched approach maintains the 2003 definition: that either remained satisfactory, or was something that states and UNHCR decided not to re-open. It was putting it into practice that posed the challenge. Yet there was little in the 2010 paper that could effectively enhance implementation.

90. Like the 2009 paper, the 2010 paper can be read as an admission that SUR had failed to deliver many concrete benefits since 2003. Both papers acknowledge that:⁶⁷

...the strategic use of resettlement is sometimes misunderstood and undervalued, yet the need to integrate resettlement into broader protection strategies is widely recognized. When done effectively and with strategic vision, the results of resettlement can be powerful beyond the actual number of persons resettled.

91. The 2010 paper also points to a major challenge for UNHCR namely that "UNHCR's resettlement objectives and priorities do not always match those of States."⁶⁸ Speaking in December 2010, the High Commissioner reflected the agency's double track, recognizing the policy has been quite ineffective in practice, but continuing commitment to the concept as it seems to engage a range of states: "We need as well to make more substantial, effective and strategic use of resettlement. It is not only a very important protection tool but a solution itself and a catalyzer of other solutions."⁶⁹

92. In re-launching the concept in 2009, UNHCR insisted that it had "systematically used resettlement in a strategic manner to enhance protection on a broader scale." This account was backed up with the use of some examples. Use of SUR was cited as enabling UNHCR to:

⁶⁷ 2010 paper op.cit..

⁶⁸ Ibid..

⁶⁹ UN High Commissioner for Refugees, *Closing Remarks by the High Commissioner - 2010 Dialogue on Protection Gaps and Responses*, 9 December 2010, available at: <http://www.unhcr.org/refworld/docid/4e3fad182.html>

...improve the protection conditions in the country of asylum, such as mitigating the risk of refoulement, ensuring that appropriate documents are issued to asylum-seekers and refugees (e.g. Egypt, Turkey) or that UNHCR has access to refugees in detention (e.g. China and Libya).

93. However, only one case of SUR – which, it was suggested, had helped to unlock a durable solution for a protracted case-load in India – was described in any detail.

Priority situations for SUR: terminology for implementation

94. In the effort to breathe new life into the implementation of the SUR concept, UNHCR tried to focus resettlement country attention on particular refugee situations where SUR could make a difference. Over the subsequent years these efforts have been repeatedly recalibrated in the continued search for an effective way of putting a useful-looking concept into similarly useful practice.

95. As part of the 2009 re-launch, UNHCR proposed seven situations for resettlement states to consider for SUR. These were highlighted as priority cases. The seven situations were:⁷⁰

- Somali refugees in Dadaab, Kenya;
- Afghan refugees in Iran;
- Refugees of various nationalities in Turkey;
- Afghan refugees in Uzbekistan;
- Eritrean refugees in Libya;
- Iraqi and Palestinian refugees in Syria, Jordan and Lebanon;
- Refugees of various nationalities in the Pacific Island States.

96. The underlying rationale for the priority designation was to have the cases spread across the Bureaux (according to non-UNHCR interviewees), or to see geographical balance (according to some within UNHCR) although these are essentially similar goals.

97. Two of these situations (Afghans in Uzbekistan and refugees in the Pacific Island States) were ‘de-listed’ at the ATCR in 2011, as they were deemed to have been ‘resolved’. A Priority Situation might be de-listed when the strategic benefits and outcomes have been realized, when resettlement is firmly sustained, or conversely, when it becomes clear little progress has been made or is likely to be made.⁷¹

98. In the case of Uzbekistan, all the planned resettlement had been accomplished, in terms of the number of departures (planned and actual). However, the SUR goals, covering short-, medium- and long-term were a gradual increase in dialogue between UNHCR and the authorities and more openness on other protection issues for refugees and stateless persons. The 2011 de-listing seems to have happened in spite of UNHCR’s own opinion of Uzbekistan’s closing down of two refugee-oriented national NGOs: “UNHCR hopes that the recent increase in resettlement departures may assist in the advocacy and negotiation for the local integration

⁷⁰ UNHCR, ‘Fact sheets on seven priority resettlement initiatives’ tabled at extra-ordinary session of the WGR, 13 December 2009.

⁷¹ UNHCR, WGR 2011 op.cit..

of the residual Afghan population for whom resettlement may not be an option.”⁷² In the case of the Pacific Islands, the resettlement objectives had been achieved, and the short-term goal of greater dialogue between UNHCR and authorities seemed to have been met according to UNHCR’s report of the situation, however the medium- to long-term outcomes of greater capacity to deal with asylum seekers and accession to the 1951 Convention and development of national asylum legislation had not been achieved. UNHCR did request that the space for ten submissions annually from the islands, although it was no longer a SUR priority.⁷³

99. The de-listings seem to have been more a question of the resettlement having run its course than of the SUR goals having been achieved. Some short-term achievements may have been made, but the situations were de-listed before medium- to long-term stated objectives could be accomplished. This could be a matter of patience, or it could be that ‘priority’ is meant only in a short-term engagement-focused sense, and beyond that the urgency and need suggested by the word ‘priority’ is lost, even if what seem to be programmatic goals have not been met.

100. Two situations were simultaneously designated as new priorities:

- Afghan refugees in Pakistan, and;
- Colombian refugees in the Latin American region.

Multiple lists: diluting the message?

101. In considering the 2010 claim by UNHCR that “UNHCR’s resettlement objectives and priorities do not always match those of States,”⁷⁴ comparison of the situations chosen by UNHCR as priorities for SUR and other (UNHCR and state) lists of major/urgent refugee caseloads can be instructive. This comparison could offer some indication of the level of commitment to SUR, the way in which UNHCR’s aims in this area are communicated to the relevant states and internal coordination in prioritizing on SUR but also more broadly. While within the UNHCR and refugee protection focused world lists on priorities for SUR or for PRS, or for resettlement held by UNHCR or by states can seem quite separate and distinct, from a broader perspective disparate lists can suggest a lack of focus or coordination. This suggestion at least needs to be borne in mind, particularly as political decision makers are not always refugee protection or solutions experts.

102. For example a comparison between UNHCR’s lists of SUR priority caseloads and major PRS groups would seem likely to display some overlap, if there is strong internal coordination on assessing the situations and their readiness for solutions, particularly given the 2010 suggestion that SUR could effectively be used in the search for solutions to protracted situations. Indeed, in revisiting the PRS problem in 2008, UNHCR pointed to SUR as needing to be “part of solutions strategies”, within the context of the PRS initiative being “predicated on a comprehensive and multi-sectoral approach, involving simultaneous efforts to promote and exhaust voluntary repatriation options to countries of origin, together with appropriate initiatives directed at encouraging self-reliance and sustainable livelihood possibilities in the

⁷² UNHCR, 2011 ATCR: Updated Fact Sheets on priority resettlement initiatives p.13.

⁷³ Ibid., p.14

⁷⁴ 2009 op.cit.,

interim.”⁷⁵

103. UNHCR’s PRS initiative has identified five key situations:⁷⁶

- Afghan refugees in the Islamic Republic of Iran and Pakistan;
- Refugees from Myanmar in Bangladesh;
- Bosnian and Croatian refugees in Serbia;
- Burundian refugees in the United Republic of Tanzania; and
- Eritrean refugees in eastern Sudan.

104. Of these PRS caseloads, only one (Afghan refugees in Iran) overlaps with the list of priorities for SUR. However, this group and two others (Burmese in Bangladesh and Eritrean refugees in Eastern Sudan) overlap with situations that resettlement countries put forward as priorities (see below), whether explicitly for SUR or simply as among the major locations or groups for selection for their resettlement programmes. The UNHCR plan for Eritreans in Eastern Sudan is also clearly intended to function as SUR, even if it is not on the official priority list as of 2012.

105. Resettlement countries’ attention is sometimes drawn to specific situations by UNHCR (for example Sweden), and sometimes a result of their own global interests (often the case for the US). Some resettlement countries (for example the Netherlands) refer explicitly to SUR in their resettlement situation choices, dedicating eighty per cent of their 500 places to strategic use. Others are guided by funding needs (for example the UK seeks overlap with EU resettlement funding programmes) in combination with UNHCR’s global resettlement needs overview, and PRS – but that leaves SUR to one side if there is little or no overlap.

106. An overview of resettlement situations that states have referred to as strategic, as well as those to which they have committed a significant proportion of their places in recent years⁷⁷ (which, if they support SUR as a major direction to be taken in resettlement, protection and solutions generally, would be expected to align with their own SUR priorities) reveals relatively little overlap with UNHCR’s stated priorities for SUR.

107. There could be various explanations for this. One could be timing: resettlement is a process, with relatively slow machinery, and UNHCR’s priorities for SUR have only been set and communicated since 2009. Another could be that some resettlement countries are not committing a high number of places to UNHCR’s SUR priorities. Only the Netherlands, among those interviewed, explicitly stated a high commitment in terms of annual places available for SUR. Alternatively resettlement countries could be identifying their own priorities in SUR activities.

⁷⁵ UNHCR, *Protracted Refugee Situations: revisiting the problem*, EC/59/SC/CRP.13 2 June 2008 para 22.

⁷⁶ UNHCR, *Protracted Refugee Situations: revisiting the problem*, EC/59/SC/CRP.13 2 June 2008

⁷⁷ SUR does not have to involve a significant number of places to be effective, indeed the greatest impact could potentially be found through low-level resettlement that would unlock other solutions. Nonetheless major resettlement countries with large programmes (particularly the US) work on economies of scale, so their commitment to SUR or other priorities would most likely be found in larger-scale situations. ‘A significant proportion’ of case can obviously mean dozens or 100 in the context of a numerically smaller programme. Dealing with a caseload of one or two thousand could mean four countries with smaller total numbers using all their places – and that might be more efficient than assigning such a case size to the US, for example.

108. Another explanation could be that while UNHCR has set out priority SUR cases, when it comes to actually communicating directly with resettlement countries about the situations that would form a 'fit', practical issues such as the type of cases a resettlement country can or will accept, as well as recent resettlement history (where infrastructure has been established and/or where there is a desire to focus on a particular group for community building and integration reasons in the resettlement country's society) over-ride the (theoretical) priorities.

109. In this context it should also be noted that in interviews a number of resettlement country officials expressed the opinion that there are too many 'priorities' for UNHCR: almost every situation is described as a 'priority' for resettlement of some form (SUR, emergency, humanitarian, PRS, in connection with comprehensive solutions etc.). One official noted that if a situation is a true priority then UNHCR would be well served by actually having the High Commissioner call directly with the Minister responsible, because then action would be more likely. However, the current practice of having various UNHCR staff tell various levels of officials in resettlement countries that almost everything is a priority means that the message is received with increasing scepticism. Having so many priorities does not seem strategic for protection, solutions or resettlement.

110. While UNHCR might have no problem with resettlement countries focusing on situations that are not among the UNHCR SUR priorities, the impression this gives to non-UNHCR observers is one of confusion. If UNHCR is drawing attention, seeking engagement, by calling something 'a priority' then the agency and relevant services within it should surely be consistent in drawing attention to that particular situation, otherwise it is not clear what makes it a 'priority'. If the term 'priority' is used loosely in some areas, such as SUR, then how can the same national policy officials who hear it in that context know to respond actively when the term 'priority' is used by UNHCR in another context, such as a major humanitarian crisis (with no current relation to SUR) like Syria in 2013?

111. By way of examples to illustrate the points made above: the US's major resettlement groups over the period 2009-12 have included Burmese ethnic minorities in Thailand and Malaysia; Bhutanese in Nepal;⁷⁸ Eritreans in Shimelba camp in Ethiopia; Dafuris in Chad; Iranian religious minorities and Iraqis who have worked with the US. The US was expecting a surge in UNHCR referrals from Dadaab in 2011.⁷⁹ SUR has been explicitly referred to by the US for "Rhoingya refugees ... in Bangladesh and Malaysia, as well as in past resettlement of Meskhetian Turks,"⁸⁰ as well as the Bhutanese in Nepal, East Asian programmes in general and those in Malaysia and Thailand in particular.⁸¹

⁷⁸ UNHCR did not include Nepal on its SUR priority lists although considerable multi-year and multi-lateral planning went into this resettlement programme, and it was clearly carried out with additional benefits, specifically the leveraging of other solutions, in mind.

⁷⁹ United States Department Of State, United States Department Of Homeland Security And United States Department Of Health And Human Services, PROPOSED REFUGEE ADMISSIONS FOR FISCAL YEAR 2011 REPORT TO THE CONGRESS SUBMITTED ON BEHALF OF THE PRESIDENT OF THE UNITED STATES TO THE COMMITTEES ON THE JUDICIARY UNITED STATES SENATE AND UNITED STATES HOUSE OF REPRESENTATIVES IN FULFILLMENT OF THE REQUIREMENTS OF SECTION 207(d)(1) and (e)(1-7) OF THE IMMIGRATION AND NATIONALITY ACT <http://www.state.gov/documents/organization/181380.pdf> p..27

⁸⁰ Ibid., p.12

⁸¹ Ibid., pp35, 36 and 39 and interviews for this review.

112. of priorities for SUR, even if other cases coincide with situations in which UNHCR and a range of states were applying SUR, such as the Bhutanese in Nepal (which has never been listed as a priority, although one could say the case has received precedence above other SUR situations in terms of resource commitment).

113. In early 2012, the European Union agreed a new funding modality as the first step in a Europe-wide resettlement scheme. The agreement set out as “specific common Union resettlement priorities for 2013” situations that EU interviewees indicate are drawn from UNHCR priorities and intended to align with SUR:⁸²

- Congolese refugees in the Great Lakes Region (Burundi, Malawi, Rwanda and Zambia)
- Refugees from Iraq in Turkey, Syria, Lebanon and Jordan
- Afghan refugees in Turkey, Pakistan and Iran
- Somali refugees in Ethiopia
- Burmese refugees in Bangladesh, Malaysia and Thailand
- Eritrean refugees in Eastern Sudan

114. This list is again quite different from the UNHCR priorities for SUR: even where there is overlap in nationality or ethnicity, for example, there is a difference in the first country of asylum. The same is true for resettlement over recent years by existing EU resettlement countries. Even if they explicitly support SUR and are highly responsive to UNHCR’s requests with regard to situations for referrals, their resettlement arrival groups show little or no overlap with the expressed SUR priorities (see Table in Annex 1). This can lead to a number of conclusions, questions or hypotheses:

- Perhaps SUR is **not** the focal point of resettlement for UNHCR that the language of global appeals, ATCR and other documents suggests, and the priorities for resettlement more broadly are not the same as the priorities for SUR. Hence, those situations with non-strategic use protection, humanitarian and solution needs come first. In this case, UNHCR’s own statements and practice would not be aligned.
- Perhaps there is some degree of mis-communication or lack of clarity on what SUR means and how it could or should be used within UNHCR, which emerges on the issue of which cases are priorities for SUR, resettlement more broadly and protracted refugee situations. While some level of internal discussion is to be expected, the agency must be able to present a coherent picture of its priorities (and distinctions between priorities in different areas) to the outside world to the benefit of protection and solutions for refugees. The fact that UNHCR’s own lists of priorities are multiple and seem not to coincide suggests such difficulties in internal coordination. For example, if a protracted refugee situation is a priority for SUR then it would be expected to also be a key situation for the PRS initiative (the inverse need not necessarily hold true as a PRS key situation might not require SUR).

⁸² DECISION No 281/2012/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 29 March 2012 amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme ‘Solidarity and Management of Migration Flows’ Official Journal of the European Union L 92/1 30 March 2012 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:092:0001:0003:EN:PDF>

- One could also question whether there is there sufficient evidence underpinning this type of list, or are they to some degree ‘wish lists’ in that they are labelled ‘key’ or ‘priority’ because of issues such as political will or current ‘do-ability’, but they are not necessarily focal situations due to concrete (e.g. data related) criteria?
- Perhaps resettlement countries do not understand what UNHCR’s priorities for SUR are, or do not agree with them, and have their own reasons for focusing on other or similar situations (e.g. the same national, ethnic or religious group but in a different country of first asylum). In this case, UNHCR is either not communicating about SUR, including the need for coordination and the agency’s priorities for SUR appropriately or resettlement countries do not have the same commitment to or understanding of SUR as UNHCR has.

Revisiting priority setting: “not achieving goals does not mean failure”⁸³

115. At the 2011 Working Group meetings, UNHCR made a new presentation on SUR. In that presentation, the SUR definition was summarized as “Apply[ing] enhanced resettlement in refugee situations where resettlement could leverage wider protection and solution benefits.”⁸⁴

116. In that presentation UNHCR set out a new approach to designating ‘Priority Situations for the Strategic Use of Resettlement’. These Priority Situations for SUR would be based on:

- Strategic outcomes (high potential for host government engagement; good prospects for comprehensive protection and solutions approaches; good prospects for refugee protection environment in the host country)
- Resettlement aspects (clear unmet needs; ability to assign resources; more than one resettlement country ready to engage; multi-year planning; short-term intervention will work)
- Protection dividends
- Risk Analysis (not likely to jeopardize other durable solutions or create a regional imbalance in terms of priorities)

117. The presentation indicated that realistic outcomes should be carefully defined, but could be adjusted based on continued assessments; resettlement should not be conditioned on guaranteed outcomes; that small numbers of refugees resettled could achieve significant leverage in some cases, and that Priority Situations for SUR could address both protracted and emergency situations.

118. Notably, it was indicated that “non-achievement of goals does not mean failure”, and, pragmatically, that there is a need to be sensitive to exogenous factors that could hamper progress as well as unforeseen consequences.⁸⁵ In addition, it was noted that the goals might not be achieved through resettlement alone, but that other forms of assistance (such as development aid or capacity building) might be required from the resettlement countries. This stands in contrast to the 2009 relaunch of SUR which explicitly sought to define “measurable

⁸³ UNHCR, ‘Implementation SU R’, WGR, Oct. 2011, op.cit..

⁸⁴ Ibid..

⁸⁵ Ibid.

benchmarks and time frames to evaluate protection benefits may be challenging but will enable mobilizing efforts and focusing on results.”⁸⁶

119. If SUR is simply a process of engagement, then this might not be a problem, although the 2009 paper, with its references to measurable benchmark seems to suggest that SUR is more than public relations and engagement. The question is whether all in UNHCR and all resettlement countries view SUR as a matter of encouraging engagement, and not as a programme tool. Interviews and discussions for this review reveal that while the Resettlement Service might claim that SUR is primarily about engagement, a number of states view it either as a mixture of process and programme, or quite clearly and definitely as a programmatic tool. This disconnect poses one of the most serious challenges to SUR, and potentially ultimately to resettlement, or at least to some resettlement programmes.

120. The statement that not achieving goals does not mean failure is at the heart of one of the most difficult areas of communication about UNHCR’s SUR plans. This can be read in different ways. Of course, a policy, programme or approach has not necessarily ‘failed’ if all of its goals are not achieved: the absence of total success does not automatically equate to failure. However, consistent non-achievement can be a problem. Governments are accountable, and expect UNHCR to be held accountable for its actions. If ambitious targets are set, such as return or local integration resulting from strategic use of resettlement, and those targets are not met, then a SUR programme can have appeared to fail.

121. In some cases, such as the SUR of Bhutanese from Nepal, such ambitious targets have been set but not reached. Other achievements have come out of the SUR: resettlement countries have cooperated effectively; UNHCR has a greater level of dialogue and a stronger relationship with the Nepalese and Bhutanese authorities. These achievements mean that the SUR has not failed, even if its main stated aims have not been achieved. However, because such lesser aspirations were not clearly communicated, they seem like consolation prizes rather than successes.

Emphasising the ‘multi-’: the sum can be more than the parts

122. At the October 2012 Working Group on Resettlement the emphasis in seeking to advance SUR shifted from priorities to multi-lateral and multi-year commitments. By working together, and planning over a number of years, the resettlement community can, it was suggested in a Discussion Note, move to “strengthen the coherence of international responses and expand the protection space in countries of first asylum.”⁸⁷ This idea is based on a return to first principles in order to move SUR (ten years after it was conceptualized) ‘from concept to reality’, by reaffirming the essence of multilateral collaboration essential to the Multilateral Framework or Understanding on Resettlement of 2004. The intention was for states to identify one or two priority populations by the WGR of February 2013. At that meeting, suggestions were made for resettlement countries to work in groups, and always to communicate and collaborate in situations where three or more resettlement countries are active regarding the same population.

⁸⁶ 2009 paper, op.cit., para 4 (d).

⁸⁷ Discussion Note, ‘Advancing the Strategic Use of Resettlement through Multilateral, Multi-year Commitments.’ 2013.

123. Ten years on from its conceptualization, SUR remains a concept, described by many as 'wonderful', in search of a path to implementation that will match its potential.

SUR in practice

124. Cases of SUR proliferate: interviews with policy makers and NGOs in resettlement countries and surveys among UNHCR staff reveal more than thirty situations in which such actors can see an attempt at SUR having been undertaken since the concept was defined, as well as some five to ten from before that time.

125. However, cases which are broadly termed a *successful* case of SUR are hard to find. Small-scale successes have neither been documented nor broadly discussed. There are also significantly differing opinions as to the success of SUR in its implementation because the measure of that success is not widely agreed upon. A stated goal may not have been achieved, and so many practitioners term a given situation a failed attempt. However, those directly involved might have felt that a situation improved even if the stated major goal was not achieved, so they see some level of success. Yet, it remains questionable whether such post-hoc finding of a hidden success is really commensurate with an approach that explicitly should involve “the planned use of resettlement in a manner that maximizes the benefits”.⁸⁸

126. This section will present a snapshot of the SUR concept in practice, drawing particularly on UNHCR staff’s views of the cases they have seen in the field. Five cases will be described at more length, relying on written materials as well as the accounts of interviewees and completed questionnaires.

Cases of SUR: snapshots in documentation

127. Although UNHCR has implied success in the implementation of SUR in major policy documents, the agency has given very few examples of concrete benefits to others that have arisen through a planned use of resettlement.

128. The one case of SUR that UNHCR drew attention to in its 2009 paper re-launching the SUR concept (see above) was that of urban Afghan and Myanmar refugees in India. Other situations had obviously been looked at from the point of view of being potential cases for SUR and additional activities were underway.

Urban Afghan and Myanmar refugees in India

129. Urban Afghan and Myanmar refugees, had, by 2005 when SUR was applied in an effort to resolve their situation, spent nearly three decades in exile in India and had access to neither local integration nor voluntary repatriation. They were offered a solution based on the use of resettlement alongside local integration for the Hindu and Sikh refugees among them (i.e. those considered to be of “Indian” origin: by 2010, 3950 Hindu and Sikh refugees had applied for naturalization with 555 naturalized), while others were resettled (390 refugees had been

⁸⁸ WGR 2003 definition.

resettled since 2005 to the US, Canada, New Zealand, Norway and Sweden). The benefits claimed in the 2009 telling of this case story, as the example drawn upon to re-launch SUR, were not only the unblocking of a PRS, but also improved protection space for new arrivals from Myanmar and Iraq. One survey respondent added that this resettlement improved UNHCR's standing in India. Another interviewee noted how this small-scale type initiative might be the heart of successful SUR, not large-scale projects with grander goals.

130. The 2011 Resettlement Handbook makes some very general (and largely unsubstantiated) comments about the integration of SUR into planning and programming, for example: ⁸⁹

[The] multilateral processes and specific follow-ups on the Agenda for Protection goals were quickly integrated into UNHCR work, and continue to support the development of additional tools and collaborative efforts to expand the use of resettlement as a durable solution within comprehensive solutions strategies.

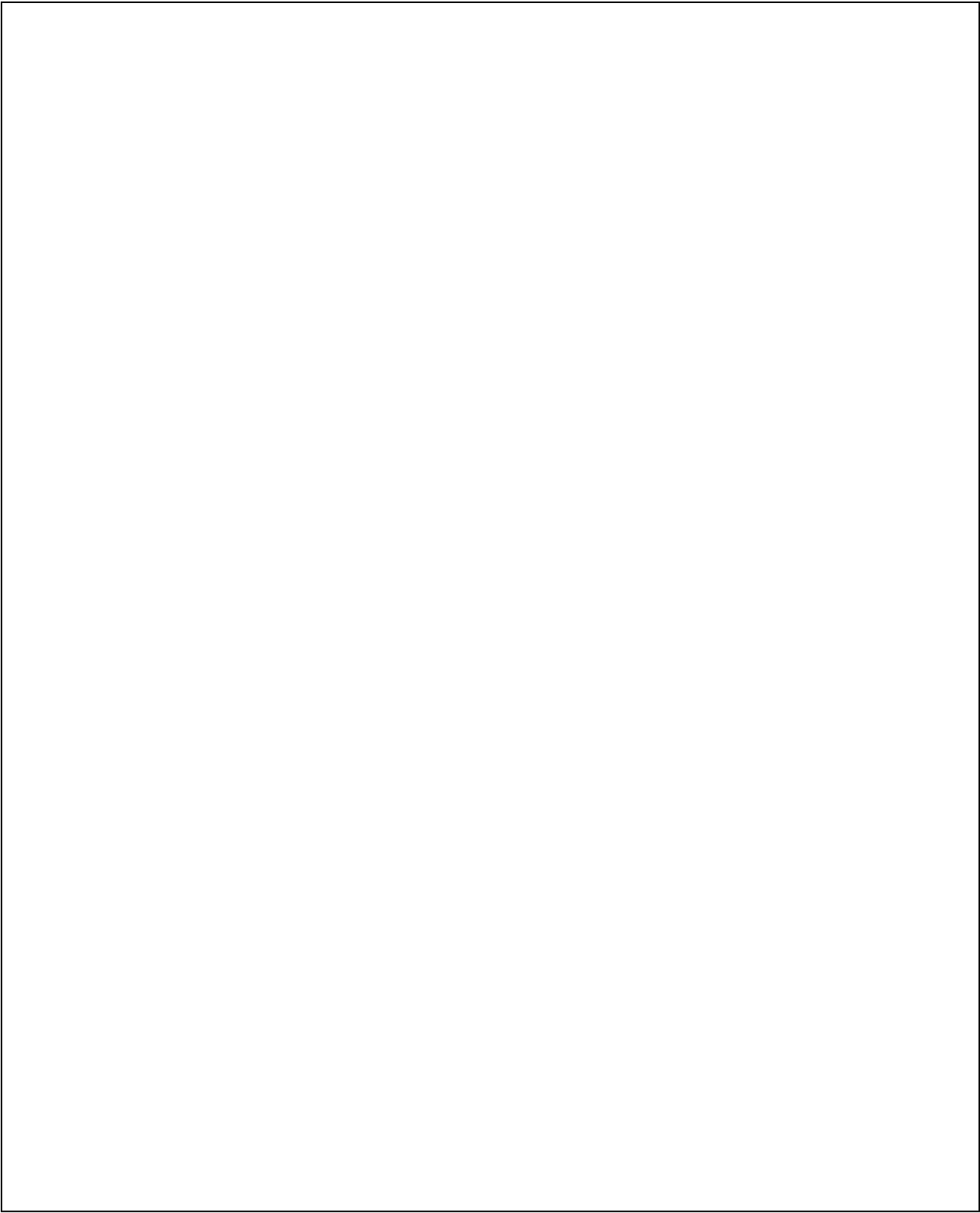
131. The Handbook also includes further examples of SUR:

- The case of the Al-Tanf camp for Palestinians fleeing Iraq, which was established in May 2006 in no man's land between Syria and Iraq, as no country would accept this group. (See box below.)
- The Bhutanese refugees in Nepal (described in more detail below.)

132. In addition, the Handbook suggests, without further elaboration, instances of where SUR has been put into effective practice:

UNHCR has put strategic planning of resettlement into practice in order to enhance protection on a broader scale. These efforts have included various negotiated arrangements to improve the protection conditions in the country of asylum (such as mitigating the risk of *refoulement*); and to ensure that appropriate documents are issued to asylum-seekers and refugees (e.g. in Egypt, and Turkey), that UNHCR has access to refugees in detention (e.g. in China) and that asylum space is kept open (e.g. in Syria).

⁸⁹ UNHCR, *Resettlement Handbook*, 4 July 2011, available at: <http://www.unhcr.org/4a2ccf4c6.html> p.39



SUR in practice as viewed by UNHCR staff

133. A survey for this review was circulated to 100 UNHCR staff members worldwide. Twenty-seven responses were received. The limited number of responses means that this is in no way a representative sample, and the information gathered is thus both anecdotal and, clearly, cannot cover all of SUR globally over the last eight years. However, the material collected provides a useful glimpse of how the concept of SUR is perceived by UNHCR field staff. In addition, interviews were conducted at headquarters.

134. When asked to recall the definition of SUR without reference to publications or the internet, survey respondents gave a broad range of (nuanced) interpretations.

135. Almost all respondents noted in some way the general idea that SUR saw benefits other than those that would accrue to the individual refugee being resettled. Five respondents, as well as one senior interviewee at headquarters, made a specific point of referring to the benefits accrued to the individual resettled as being essential and something that should not be overlooked in the focus on additional benefits: those SUR benefits are, according to these UNHCR officials, just that - additional to the already significant benefit to the individual refugee who has the fortune to be included in a programme.

136. Indeed, UNHCR has stated that:⁹⁰

Overall, resettlement should not be conditional upon other protection benefits that may arise from its use. In general, any protection benefits that result from the [strategic] use of resettlement should be seen as additional and complementary to the benefits gained by resettled refugees themselves.

137. While most respondents did not refer to a specific actor carrying out SUR, or seeking it, two referred specifically to SUR as a tool that UNHCR can employ. One respondent described SUR as getting a dividend for a (UNHCR) country programme that goes beyond the solution for the individual, while another described SUR as a bargaining tool that UNHCR has in negotiating with the government of a country of first asylum: the representative can offer resettlement strategically in return for positive actions on refugee protection coming from the government. One other respondent referred specifically to the international community as the actor conducting SUR.

138. The responses to surveys showed little or no role for governments of first asylum countries in SUR programmes. Only one returned questionnaire referred explicitly to a host government's aims in seeking SUR: that the Ethiopian government had some interest in resettling Eritreans from 2008 onwards, and UNHCR worked with them to the extent that their own interests overlapped. The responses generally present a picture of caution with regard to host governments: undertaking resettlement (for strategic purposes or otherwise) is handled with unease, lest doing so would suggest that indeed they are overburdened and have some kind of right to international help rather than living up to their obligations. The resulting scenario is one in which burden sharing becomes appropriate only when UNHCR and/or resettlement countries initiate it.

⁹⁰ UNHCR, Resettlement Handbook, 2011, pp.56-7

139. Those cases of SUR in which local integration or increased protection space are sought obviously require actions by the government of the host country concerned: yet the responses to the questionnaires imply (though none is totally explicit on this point) that those governments are rarely if ever included in negotiations from the beginning, or a partner in the SUR programme (a programme which by definition if local integration or local protection space/asylum capacity etc. is the goal require full buy in from those host governments). Rather governments of host countries seem to be seen as targets of SUR activity, not as SUR actors.

140. A range of motives were attributed to SUR in response to the open question about the definition. Most predominant among them were the improvement of protection space and the concrete indication of burden-sharing. A couple of respondents referred to maximizing the use of limited resettlement places, and some referred to the extension of positive effects to gain broader refugee solutions and opening possibilities for local integration, as well as one referring to better living conditions for those refugees who are not resettled. One respondent referred specifically to keeping open borders as a motive for offering SUR, while another pointed to reducing secondary movements.

141. Only one respondent referred to the idea of planning, interpreting this as meaning that SUR should be ‘well thought out’.

142. When initially asked to define SUR increasing protection space and burden-sharing emerged as primary motives for the approach. However, later in the survey, when given a range of possible outcomes to SUR the two most prominent according to UNHCR operational staff (primarily located in countries of first asylum) were improving access to asylum (both in terms of access to any asylum system and in terms of ensuring *non-refoulement*), and unlocking durable solutions. The cases involving these goals referred to by staff who responded to our survey can be seen in the following table. These are cases where staff in the field saw potential SUR outcomes. The table notes information on staff views of the success or failure in achieving these goals. However, these are not thorough evaluations of any of the specific cases – and they are individual perceptions, not overviews of the actual situations or any negotiations or documentation involved in them.

Unlock durable solutions	
Syria/Jordan, Iraqis 2007	Lebanon more recently
Turkey, Iranians on-going	Iran, Afghans 2011-12
Ecuador, Colombians 2011-12	Pakistan, Afghans 2010
Ecuador and Costa Rica, Colombians 2005-12 (in Latin America)	Bhutanese in Nepal ⁹¹
Lebanon 2003 ⁹²	Malaysia, 2007

⁹¹ Not seen as successful – not clear local integration will become a reality. Bhutan may have been biggest beneficiary of the SUR beyond the resettled refugees, as its problem is resolved at minimal cost to Bhutan itself. The Bhutanese in Nepal case is handled at more length below.

⁹² Resettlement countries not involved

Improve access to asylum	
Syria/Jordan, Iraqis 2007	Libya, Eritreans 2008-2009
Turkey, Iranians on-going	Indonesia, Afghans and Iraqis 2003-2004
Ecuador, Colombians 2011-12	Malaysia 2005 onwards
Ethiopia, Eritreans and Somalis 2008-9	Thailand 2005-2007
Turkey 2010-2011	Egypt 2007 onwards ⁹³
Malaysia 2003-2005	India 2011

⁹³ Aswan, Cairo, Saloum – not seen as a great success, as there were promises made by the government but access for some newcomers was still denied, and detained – maybe in the hope they too would be resettled and thus removed from Egypt.

Other claimed motives for SUR, and examples thereof as indicated in the survey results are:

<i>SUR motivation/goal</i>	<i>Case: location, nationality date</i>
Burden-sharing/Solidarity	<ul style="list-style-type: none"> • Kenya, Kakuma, Sudanese Darfurians 2009-2010 • Syria/Jordan, Iraqis 2008-2010 • Iran, Afghans 2011-12 • Kenya/Dadaab, Somalis 2010-11 • Thailand 2005-7 • Ecuador/Costa Rica, Colombians 2005-12 • Malaysia 2005-12
Access to employment/labour market/local integration/livelihoods	<ul style="list-style-type: none"> • Syria/Iraqi border, Palestinian refugees ex-Iraq 2008-10 • Malawi, Rwandans (not achieved ; resettlement countries not on board) • Bangladesh, Myanmarese • Pakistan 2011-12 • Thailand 2005-7 (some areas of success, some not – local integration remains limited). • Ecuador/ Costa Rica, Colombians 2005-12 • Nepal, Bhutanese, 2007 onwards • Malaysia 2009 onwards • Tanzania 2007 • India 2008
Camp decongestion	<ul style="list-style-type: none"> • Kenya, Kakuma 2011-12 • Syria, Al-Tanf 2008-11 • Kenya, Dadaab, 2010-2011 • Sudan, Ethiopians, 2003-4 • Ethiopia, Eritreans, 2008
Impact behaviour and/or attitudes in countries of first asylum	<ul style="list-style-type: none"> • Kenya, Kakuma 2011-12 • Syria/Jordan, Iraqis 2007-10 • Uzbekistan, Afghans 2008-10 (assessed by survey respondent as not successful, as there were no visible signs of improvement in relations with the government – although it might have established good will for the future, if needed) • Bangladesh, Myanmarese 2007-09
Lift Geographic Reservation	<ul style="list-style-type: none"> • Turkey, Iranians on-going
Better access to detention centres and decrease <i>refoulement</i>	<ul style="list-style-type: none"> • Lebanon
Shorter period of detention for detained refugees	<ul style="list-style-type: none"> • Malaysia, 2003-5 • Libya, Eritreans 2008-9
Domestic violence cases	<ul style="list-style-type: none"> • Malaysia 2009
Addressing security concerns and refugee safety	<ul style="list-style-type: none"> • Malaysia 2009 onwards
Regional protection benefits	<ul style="list-style-type: none"> • Uzbekistan 2008-10
Foster Community Cohesion	<ul style="list-style-type: none"> • Pakistan 2011-12
Freedom of Movement and place of residence	<ul style="list-style-type: none"> • Ethiopia, Eritreans/Somalis, 2008-9
Reduce unnecessary in-country population movements	<ul style="list-style-type: none"> • Malaysia 2005-12

143. As is evident from the lists above, many cases were perceived by field staff as SUR situations even if they were not necessarily promoted or characterized as such in broader, headquarters produced reports and publications. This might not matter: SUR could simply be a concept that UNHCR wishes to see broadly applied, and does not find the need to apply rigorously or consistently. However, in reviewing communication of the concept and the way it is used, it is necessary to point this out. Other reasons for the perceived discrepancies might be that they result from staff attempting to fit various resettlement situations into the SUR concept – to see strategy where none was necessarily actually formulated or attempted, or it could be that there is a field level strategy in the mind of those involved, but that this is not fully communicated back to headquarters – or that at headquarters level there are decisions about where to formally apply the term in broader documents and discussions. In any case, it suggests that communications within the agency on what constitutes an approach within the spectrum of a core concept is poor.

144. The example of (attempted) SUR that resettlement country officials most frequently refer to is the resettlement of Bhutanese from Nepal. Other frequently mentioned instances include the 1972 Burundians in Tanzania, the Burmese in Thailand and in Malaysia, and Iraqis from Syria, Jordan and Lebanon. The Pacific Islands case is referred to in the Australian context. What is also evident from the table above is that several situations were perceived as having multiple potential SUR impacts – either by one individual, or seen by different respondents as having different goals.

145. Cases that are viewed as having some success are also seen as having various beneficiaries of that success, most frequently other refugees (those already there and often newcomers too) and the host country government. Occasionally the resettlement country is seen by UNHCR staff respondents as benefiting from SUR: however, in spite of greater access for UNHCR being mentioned as an outcome on some occasions, none of the respondents suggested that UNHCR was a beneficiary of SUR.

146. SUR is portrayed through these completed questionnaires as being most frequently initiated by UNHCR, although sometimes resettlement countries are said to take the lead. Several examples are given in the survey responses of situations in which UNHCR or resettlement countries have started to explore SUR but either the agency, resettlement countries or sometimes the host government have decided that a case is not appropriate for this approach, and the resettlement (at least as SUR) has not been undertaken. Examples given for this include Dadaab (Somalis in Kenya), Burmese, particularly Rohingya, in Malaysia, and Palestinians from Iraq. In the Dadaab case, the SUR that respondents indicate was being discussed had behavioural motives: offer resettlement if children have been in school, or to discourage female genital mutilation. However practical (there are not enough schools) and moral uncertainties about using resettlement in this way resulted in decisions not to proceed.

147. The survey also produced examples of strategic non-use of resettlement, such as the denial of requests by the Egyptian government to resettle imprisoned refugees, to demonstrate that resettlement could not be used to relieve a state of its responsibility to ensure justice (avoiding wrongful prosecution with the aim of resettling refugees, as well as reinforcing the obligation of *non-refoulement* including for refugees who commit crimes). Another example was the non-resettlement of Muslim Rohingya (Burmese) from Malaysia, for whom UNHCR worked to achieve local integration. Eritrean unaccompanied minors were also not resettled

from Ethiopia to avoid a pull factor.

148. Indeed, the issue of the pull factor of resettlement is an element of the planning that needs to be taken into account in undertaking SUR.

149. Increasing the number of resettlement places globally has been part of the underlying rationale for SUR since the earliest discussions on the subject. Twelve respondents indicated a belief that SUR has the potential to open up more resettlement places – although only three suggest that new resettlement countries might come on board as a result of SUR. This gives a sense of the power of the concept to support hopes for the expansion of resettlement – although the data suggests that to date it is more hope than reality.

150. Sixteen respondents indicated that in their experience SUR has had, or has shown the potential to have, benefits for protection more broadly, and specifically asylum.

Cases of SUR

151. Five cases referred to as SUR in various settings are set out in some detail below. The Bhutanese in Nepal are the most frequently cited case across the range of actors interviewed for this review. Their case illustrates a protracted situation, with ‘classic’ SUR trademarks of a Core Group of states and a group methodology. The case of the Burmese in Thailand, although smaller in number than that of the Burmese from Malaysia offers an early case in which expectations were clearly set out through US and UNHCR discussions with the host, Thai, authorities. The Pacific Islands are a case in which there is generally perceived to have been successful SUR, and while it was on the 2007 priority listing, it was delisted in 2011. Both the case of resettlement and relocation (in the EU) from Malta and the case of the agreement between Malaysia and Australia (which did not come into effect after being blocked in Australian courts) are talked of as much if not more as a misuse of SUR as of being actual SUR. Finally, a new situation in which SUR is being developed, that of Eritreans in Eastern Sudan, is addressed.

Bhutanese in Nepal

152. Bhutanese refugees in Nepal became a major focus for SUR in 2006. This case illustrates good practices in coordination, but also demonstrates how the implementation of the concept gives rise to as many questions about SUR as answers.

153. The Resettlement Handbook summarises the process by which in November 2005:

seven countries organized themselves in Geneva into a working group called the ‘Core Group on Bhutanese Refugees in Nepal’ in order to provide political support to UNHCR and to encourage the governments of Nepal and Bhutan to work toward a comprehensive solution to this protracted refugee situation.

154. In 2007 the Core Group ‘called on all parties to work cooperatively to resolve the humanitarian situation, and announced their multi-year commitments to resettle the majority of

the 108,000 Bhutanese refugees registered.⁹⁴ The working group was led by Denmark and Canada as a subgroup of the resettlement working group on the situation in Nepal. The problem ultimately was framed as a resettlement issue, rather than as a comprehensive solutions initiative.

155. Bhutan's Lhotshampa population started arriving in Nepal around 1990. These are ethnic Nepalis living in Bhutan: Bhutan has claimed that they left willingly or were never citizens, and resisted their return. The refugees insisted they were forced to flee because of their ethnicity and that they wanted to return. About 100,000 refugees arrived in Nepal from Bhutan over a short period of time in the early 1990s. They were given status, but forced to live in closed camps, and there was strong reluctance towards integrating them, on the grounds of their number, and the politics and timing of their arrival.⁹⁵

156. Over some fifteen years thirteen tripartite meetings were held between UNHCR, Nepal and Bhutan had focused on repatriation and some local integration, with resettlement held off as the solution that could be used for those who could neither return nor integrate, while also demonstrating solidarity with the two countries. Return was the solution of choice for the refugees, and they were broadly supported in this as the international approach to refugee issues has involved a strong focus on and preference for voluntary repatriation.

157. The situation of the Bhutanese in Nepal first came to the attention of US based resettlement players in 2000, when USCRI visited Tibetans in Nepal and, as a side visit also looked at the camps in which Bhutanese were living. Returning to Washington DC the NGO actors asked the government and UNHCR's DC office what could be done for these refugees. At about the same time there was a dual scandal for UNHCR in Nepal, centring on both finances and the non-prevention of domestic and sexual abuse in the camps for Bhutanese,⁹⁶ triggering a harder look at the situation. Bhutan was encouraged through a joint verification mission, indicate how many would fall into each of three categories for return: yes, no, or maybe. Only two per cent of refugees were identified by the Bhutanese authorities as definitely meeting criteria for return, triggering a riot in the camp.

158. In 2006 the modus operandi was turned around by the lead US negotiator in the Core Group meetings on Nepal, Ellen Sauerbray, and re-cast as offering resettlement in the hope of stimulating understanding, and then achieving some integration and returns for the residual population.⁹⁷ NGO critics suggest the 'strategic choice' here was that of the US to reverse the path that the contact group had been on for so long, and thus to find a population for resettlement that was useful to the US refugee admissions programme. Large numbers of a largely peaceful and easy to integrate population were ideal for maintaining the workings of the post-9/11 US resettlement programme (itself a benefit to future refugees). Although this US change was key to allowing large-scale resettlement, making the resettlement into a *strategic use*

⁹⁴ UNHCR, *Resettlement Handbook*, 4 July 2011, available at: <http://www.unhcr.org/4a2ccf4c6.html>, p.57

⁹⁵ Banki, S., *Refugee integration in the intermediate term: a study of Nepal, Pakistan, and Kenya*, New Issues in Refugee Research Working paper 108, UNHCR/EPAU, October 2004 <http://www.unhcr.org/416b98b94.html>

⁹⁶ See eg Human Rights Watch, *Trapped by Inequality: Bhutanese Refugee Women in Nepal*, 2003 <http://www.hrw.org/sites/default/files/reports/nepal0903full.pdf>

⁹⁷ Dixit, H., 'Repatriation or Resettlement: Resolving the Lhotshampa Dilemma', *Himal Southasian*, June 2007 <http://himalmag.com/component/content/article/1377-repatriation-or-resettlement-resolving-the-lhotshampa-dilemma.html>

was an approach spearheaded by the Danes and Canadians.

159. As a step in setting up the programme UNHCR conducted a census of the refugee population, which gathered information on intentions in terms of durable solutions, opening up the possibility of group resettlement to the US in particular.

160. A 2007 Communiqué from the Core Working Group certainly indicates an approach framed by SUR. The US commitment at that time to resettle 60,000 Bhutanese was placed alongside commitments from Canada to resettle 5,000 and assistance from Australia, New Zealand, Denmark, and the Netherlands (joined later by the UK). The SUR in this case was explicitly aimed at resolution of the PRS, with the communiqué stating that ‘we are announcing today a number of concrete measures to assist all parties in the realization of this goal’.⁹⁸

161. This case thus combines the SUR elements of coordination on the part of a range of resettlement countries; focus on using resettlement to bring lasting solutions to a protracted refugee situation; multi-year planning and a group methodology. However, it is difficult to see what the ‘number of concrete measures’ were, how any assistance has effectively been given to stimulate or support either repatriation or integration, and what leverage the resettlement could possibly give in achieving a comprehensive solution that would allow for return or local integration. The focus was quickly on making the resettlement run smoothly rather than asking the Nepalese or Bhutanese governments to actually do something. Although resettlement began in 2007, the Nepalese were only asked to act on self-reliance and local integration in 2009, and actually started moving in that direction only in late 2010. The Bhutanese only started to signal that some repatriation might be possible in 2012, at which point relatively few refugees were left in the camps.

162. Indeed, as the 2007 Human Rights Watch Report *Last Hope* underlined the commitments by resettlement countries were not immediately clear, and were greeted with some degree of scepticism by refugees all too aware of the dangers associated with becoming the focus of “strategic” efforts. In particular, the HRW report criticised a failure to inform or involve refugees in the resettlement process.⁹⁹ NGOs also suggested in interviews that even if repatriation was not easy to open, the money poured into resettlement could have been used to facilitate local integration.

163. This refugee reaction indicates one potential risk inherent in SUR: especially when other solutions are (not yet) open to refugees, resettlement countries’ decision to undertake a SUR may leave refugees with little or no choice. Indeed, the ‘SUR’ for Bhutanese in Nepal had, by 2012, still resulted only in a lot of resettlement, and neither any local integration programmes of significance, nor any return of living refugees (Bhutan permitted the return of the bodies of a few of those who had died in exile).

⁹⁸ Communiqué of the Core Working Group on Bhutanese Refugees in Nepal, May 16, 2007, http://nepal.usembassy.gov/bhutan_05-16-2007.html

⁹⁹ Human Rights Watch, *Last Hope: the need for Durable Solutions for the Bhutanese in Nepal and India*, May 2007, p. 53 <http://www.hrw.org/reports/2007/05/16/last-hope-0>

164. One sign of this outcome can be found in an Australian government information paper:¹⁰⁰

For example, Australia has worked with other resettlement countries over a number of years to resettle Bhutanese refugees in camps in Nepal. This cooperative approach encompassed a range of strategies across various government activities that were successful in allowing large-scale resettlement to commence.

165. The SUR had indeed allowed large-scale resettlement to commence, but as US government interviewees suggested, the multiplier effect has not yet been found (though they remained confident that it would be found, and the SUR would prove a success). That is not to say the *resettlement* had not been a success for the refugees who moved to North America, Australia and Europe. A Canadian newspaper article, highlighted by the responsible government department, CIC, for example, described the success of one family which initially hesitated to accept resettlement, fearing it meant losing their hope of returning to Bhutan. The parents saw the opportunities they could reap for their children and descendants, however, and decided to accept the move and chance to start over. The article made no mention of the intention of Canada and other resettlement countries to actually use the SUR to encourage Bhutan to allow some refugees to do what they longed to do: return home.¹⁰¹

166. Others were apparently less confident that the SUR would lead to any breakthrough on integration or return. The Netherlands ceased resettlement from Nepal in 2011, and turned to other countries which UNHCR had indicated to be priority cases for SUR.

167. Canada, having, by 2011, resettled the 5,000 it had initially committed to, indicated that it was also going to turn elsewhere. Canadian interviewees for this report expressed the concern that rather than this SUR resolving a protracted refugee situation, it would, in the end, simply fuel it. A residual population that preferred return over resettlement to a third country, but whose return to Bhutan would be prohibited, would not be accepted for local integration and was likely, the suggestion ran, to inter-marry and reproduce a refugee pattern such as is found among Palestinians, with a large population that is born in exile, with nowhere to call home decades down the line. This argument notwithstanding, when resettlement numbers were down in 2012, the Canadian government announced that it would, after all, take another 500 Bhutanese refugees for resettlement from Nepal.¹⁰² Other interviewees suggested that the majority of the residual caseload of some 15,000-20,000 refugees not taking up resettlement are in fact the elderly, and the refugee problem will, at this point, die with them.

168. While UNHCR sees the agreement of the Nepalese government in December 2010 to launch a camp consolidation and 'Community Based Development Programme/Transitional Solution Initiative' (CBDP/TSI), which aims to improve services in five sectors (health,

¹⁰⁰ Australian Government DIAC, Australia's Humanitarian Program, 2012-13 and beyond: Information Paper December 2011, available at: http://www.immi.gov.au/about/contracts-tenders-submissions/_pdf/2012-13-humanitarian-program-information-paper.pdf

¹⁰¹ James Gilman, 'Resettling and rebuilding A refugee's story: from Bhutan to Quebec' Published: March 16, 2010, *The McGill Tribune*, posted to the CIC website under the heading 'Success Stories' in April 2010, <http://www.cic.gc.ca/english/department/media/stories/bhutan.asp>

¹⁰² CIC, 'Resettling Bhutanese Refugees - Update on Canada's Commitment What is Canada doing to help Bhutanese refugees?' 2 August 2012 <http://www.cic.gc.ca/english/refugees/outside/bhutanese.asp>

education, livelihood, protection and environment) for both refugees and host communities, ensuring non-discriminatory access to those services, as building on the results brought by resettlement, the resettlement countries seem to regard this as not being as significant an achievement as they had expected. By mid-May 2012 there were to be only two camps remaining out of the seven original camps, with some closed and their administrations merged.

169. The resettlement of Bhutanese from Nepal has largely been a success for the individuals involved, and for the resettlement countries. The *Strategic Use* of that resettlement has, however, not materialized. There has been no movement of repatriation to Bhutan or integration in Nepal as a result of the resettlement: it has not unlocked comprehensive durable solutions as initially intended. One interviewee suggested that an accidental impact of the resettlement might have been the neutralizing of a potential Maoist revolution in Bhutan, led by young refugees who had seen the Maoist success in Nepal. It is impossible to know whether there was such an accidental strategic outcome of this resettlement, and in any case, that would not fit with the intention of 'planned use'.

Burmese from Thailand

170. Burmese refugees had been living in Thai camps for decades when the US and UNHCR observed the opportunity to attempt to strategically use resettlement in order to open protection space during the early 2000s (at about the same time as the concept was being formulated).

171. The population of Burmese in Thailand was in need of resettlement, both because they had been in a protracted refugee situation for decades, and because repatriation, as Banki and Lang indicate in discussing this SUR, "is not an option for refugees from Burma at present. And while in principle Thailand is open to allowing some members of the refugee population to locally integrate, the achievement of improved local conditions for the remaining population is yet to be realized in practice."¹⁰³ What made the Burmese a target for SUR specifically (i.e. the strategic use) was that they were also a population that could relatively easily find its place in the US in the mid-2000s, meaning there were a significant enough number of places available.

172. The US and UNHCR could therefore, in negotiations with the Thai authorities, set out their expectations of what the Thais would do for the remaining refugees: their benefits added to those accrued by the resettling refugees. UNHCR had three expectations of this application of SUR, and the US cooperated in discussing with the Thai authorities these three goals they hoped to leverage through resettling several thousand refugees. These expectations were that:

- The Thai government would provide identity cards to all refugees remaining in the camps;
- The provincial recognition boards would resume their work, and;
- Exit permits would be provided for refugees to look for employment outside the camps.

¹⁰³ Banki, S. and H. Lang, 'Protracted Displacement on the Thai-Burmese Border: the Interrelated Search for Durable Solutions' in Adelman, H., *Protracted Displacement in Asia: No Place to Call Home*, (Aldershot: Ashgate 2008) p.75

173. UNHCR had a fourth aim at the outset, one with which camp commanders refused to cooperate, namely the destruction of tents in the camps as refugees left for their new lives, so that the camps would become less congested.

174. A significant proportion of the remaining refugees in the camps were given an identity card during the SUR process. The Provincial recognition boards did re-open for pre-screening, but their outcomes varied significantly geographically, apparently linked to the political leanings of their leaders, and in any case they did not move to status decisions. No exit permits were granted to the residual population.

175. To UNHCR and US government interviewees the accomplishment of an ID card for the remaining refugees is a significant achievement. However, to NGO observers, it seems less important, as an ID card carries with it no formalization of status and no obvious additional protection or rights as such.

176. In addition, the total camp population has not significantly changed. Some 40,000 refugees were resettled, and some 35,000 more arrived, keeping the camp life roughly the same and giving rise to questions about whether the resettlement itself formed a pull factor to IDPs and others in Burma to cross the border and become refugees.

177. What is more, the initial resettlement presented rather more difficulties than widespread solutions, according to Banki and Lang. The better-educated camp leaders have resettled in greater proportions than the wider population, meaning the camps lost medics, teachers and administrators; and as they viewed those selected for resettlement going through pre-departure preparations, those who had been rejected or were still waiting for responses were seen to be experiencing anger, depression, anxiety and confusion to such a degree that camp morale was deteriorating.¹⁰⁴ In other words, those left behind were not only not finding significant benefits from this SUR of others, but their situation was in some ways worsening. Furthermore, the perceived pull factor, as IDPs in Burma crossed into Thailand to take up places in the camps, gave rise to increased border security on the part of the Thais, and increasing restrictions. Banki and Lang comment:¹⁰⁵

Whilst resettlement provides people with hope for a new life abroad it does not contribute to enduring solutions in the form of a permanent resolution of the underlying causes of displacement; nor does resettlement connect with the wider conditions of insecurity, underdevelopment and impoverishment driving tens of thousands of Burmese nationals from their homeland in search of work in Thailand and neighbouring countries; and it does not relate to the predicaments of the internally displaced who are also the source of future refugee flows.

178. The commentary suggests that this was resettlement, but without any additional benefits, so if it was intended as SUR, it fell short of its goals and in fact may even have exacerbated the situation in some ways. This view was reiterated in NGO interviews for this review.

¹⁰⁴ Ibid., p.75

¹⁰⁵ Ibid., p.78.

Success in the Pacific Islands?

179. At the 2009 WGR UNHCR approached the resettlement countries of the Pacific Rim with the request that they undertake the resettlement of the 24 recognized refugees present on the fourteen Pacific islands covered by the regional office in Canberra.¹⁰⁶ The aim of this SUR was to support these island states in maintaining the protection space that existed, and expanding adoption of refugee law, while recognizing that local resources meant that integration was unlikely to be a long-term solution for refugees. Through this support, it was suggested, not only would protection capacity be supported and expanded, but the whole approach to migration in the region would benefit. Alongside resettlement, states and UNHCR offered practical and technical advice and training to the islands.

180. The Pacific Islands' case was delisted as a priority situation for SUR in 2011, as all 24 refugees had been resettled. However, as noted above, it was less clear that the medium- to long-term goals of the SUR exercise had been achieved, as there was still limited capacity for asylum seekers and only Nauru acceded to the 1951 Convention (in July 2011).

'Misuses' of SUR?

181. Cases of misuse might come about when domestic priorities trump international protection and solution needs in determining cases for SUR.

182. Some interviewees (but not all) suggest that resettlement (by the US) and relocation (by EU Member States) from Malta is an example of SUR, and an example of a (strategic) misuse of resettlement.

183. Malta, as a small island in the Mediterranean, is the first EU Member State on the path of many boats from the south and east attempting to enter the EU territory and has, in recent years, received a disproportionately high number of boat arrivals, including asylum seekers. It has asked fellow EU Member States and others for assistance in sharing this burden.

184. UNHCR's 2013 Global Resettlement Needs report does not go so far as to actually use the label 'SUR' in reference to Malta but it does say that "Resettlement in these operations serves not only as a protection tool for the most vulnerable refugees, ... but is also used as part of the overall strategy of expanding the asylum space." It goes on to note that the resettlement (and relocation) are reinforced in their effectiveness as durable solutions by "building stronger asylum systems and improving reception and integration infrastructure. In addition, resettlement is also used as an instrument of international solidarity and of responsibility and burden-sharing."¹⁰⁷ It is difficult to separate these additional benefits of resettlement from the SUR concept.

185. The US indicates that resettlement from Malta is intended to relieve its situation and sense of being over-burdened and that it has not pressured the EU to relocate refugees from Malta. For the EU Member States, accepting refugees who have been recognized in Malta is not

¹⁰⁶ Papua New Guinea, Fiji, Solomon Islands, Vanuatu Tonga, Samoa, Cook Islands, Niue, Tuvalu, the Federated States of Micronesia, Republic of the Marshall Islands Nauru, Kiribati, and Palau.

¹⁰⁷ UNHCR, Global Needs 2013 op.cit., p.43.

resettlement but relocation – and whether it is ‘strategic’ or not is open to question. Several EU Member States indicate that they consider that Malta needs to adapt its system to realities, not depend on others (i.e. them) to accept refugees who arrive on its shores. Maltese officials note that the arrivals come to the EU, and geography plus EU membership put this small island nation in the direct line to receive a disproportionate number of asylum seekers.¹⁰⁸

186. The EUREMA relocation programme in the EU has not seen significant movements: the US resettlement programme from Malta outnumbers intra-EU relocation. The US diplomatically says it is supporting Malta as it does many other countries facing protection challenges, although some officials will acknowledge that (as was the case with resettlement of Bosnians from Germany in 1995)¹⁰⁹ part of what is happening ultimately sends a message to the EU Member States about how humanitarian approaches and solidarity can be managed more effectively than the EU seems ready to do itself.

187. Another location in which resettlement could potentially be strategically (mis)used is in the Malaysia-Australia context. The approach to exchange resettlement from Malaysia for the return of irregularly arriving asylum seekers who had transited Malaysia en route to Australia was halted by the Australian high court. Some resettlement is going ahead: some in UNHCR and elsewhere assess this as useful and improving relations on the migration issue, including giving UNHCR greater access and leverage in Malaysia. One interviewee pointed to the agreement as demonstrating that plans to engage host country governments, in the model of the UK *Visions* paper can succeed. Others view it as an abuse of resettlement places, which, being used for the purpose of preventing or limiting secondary movements towards a developed country are then not available for use for refugees who seem in greater need of a humanitarian and long-term solution.¹¹⁰

New/current case – Eritreans from eastern Sudan; Afghans from Iran

188. Multi-year resettlement of some 9,500 Eritrean refugees who have been in Sudan since before 1 January 2005 was set to start during 2012.¹¹¹ The registered refugee population as of September 2011 was some 83,300, of whom 61,000 were in a protracted situation. Nearly sixty per cent of the refugee population are second and third generation refugees born in exile. Some of these have been able to naturalize in Sudan, but the majority of the Eritrean refugees face limited prospects for repatriation and few or no opportunities for formal local integration. The strategic aim of resettlement for this part of the protracted refugee population, which is viewed by UNHCR as having the least chance to integrate due to their belonging to minority ethnic groups which face discrimination in Sudan, is to leverage local integration opportunities for the 50,000 refugees in a PRS who will not be resettled. The SUR is part of a Joint Solutions Strategy,

¹⁰⁸ See Ramboll and Eurasyllum for the European Commission, Study on the Feasibility of Establishing a Mechanism for the Relocation of Beneficiaries of International Protection, J LX/2009/ERFX/PR/1005 March 2010

http://ec.europa.eu/home-affairs/doc_centre/asylum/docs/final_report_relocation_of_refugees.pdf

¹⁰⁹ Some US officials point to this resettlement as a major example of SUR before the concept was put in place, as the resettlement of some 10,000 Bosnians was strategically intended to support the Dayton Accords ending the war in Bosnia by preventing Germany from too hastily returning people.

¹¹⁰ See eg Amnesty International, ‘Brief: Australia’s refugee deal with Malaysia’ 2011

<http://www.asrc.org.au/media/documents/amnesty-brief-malaysia-swap.pdf>

¹¹¹ Non-SUR resettlement is needed for some new arrivals with urgent protection needs, but that is clearly viewed by UNHCR as separate from the SUR.

and should demonstrate burden-sharing to Sudanese authorities and societies, thereby facilitating local integration and in particular removing restrictions on freedom of movement and the right to work.

189. In 2011 some resettlement countries, led by Finland and Norway, started to seek to resettle Afghans with particularly severe, and costly, medical needs from Iran. The intention was to open up space, and funding, for the government of the Islamic Republic of Iran to offer greater medical benefits to the remaining population. Initially the resettlement was hampered by the difficulties for selection mission staff to get visas to enter Iran. However, the resettlement which is intended to be on a relatively small scale, has started, and UNHCR is working with the government of Iran to improve the provision of medical services to refugees.¹¹²

¹¹² UNHC, 2012 UNHCR country operations profile - Islamic Republic of Iran
<http://www.unhcr.org/pages/49e486f96.html>

Delivering SUR

190. Putting SUR into practice is one way of delivering it: in order to do that planning is needed, including consideration of the actors required to achieve the approach's goals. Among those actors are the governments of host countries. Delivering the approach is also something that needs to be measured: the evidence of outcomes needs to be gathered and assessed for useful future applications of the approach, as well as to determine the actual outcomes and the extent to which goals have been achieved. Another aspect of delivery lies in the communication of the approach, both in general terms and in specific instances.

Communication

191. How UNHCR communicates SUR internally and externally can impact resettlement and solutions in various ways. A clear well-communicated, proactive plan could lead not only to broad protection or solution outcomes but also to the potential for more plans and more resettlement. Poor communication could, in the worse-case scenario, lead to less resettlement and less engagement with UNHCR's priorities in SUR and in other areas.

192. Communication starts with the label, and this is well chosen to engage new countries and inspire aspirations. The question is how long that 'success' can be maintained if communicated goals are not achieved, and if there is scepticism about the ability of the agency or of the approach to deliver in practice on its conceptual promise.

193. The 'strategic' label is itself so useful that the terms 'strategic use of resettlement' and 'using resettlement strategically' pepper documents, including but not only those of UNHCR, without it always being clear that there is any specific substance behind the use of the terms, or evidence for direct causality for any successes or achievements. What is more, strategy layers over strategy: the 2013 Global Resettlement Needs indicates, for example, that one of UNHCR's Resettlement Service's *'strategic directions 2012-2013'* is to "promote resettlement as an integral part of larger comprehensive solutions *strategies* as well as support the *strategic* use of resettlement..."¹¹³

194. A further example of this lack of precision, or clarity demonstrates that this is not a singular slip. In the 2011 Resettlement Handbook, Chapter Two 'The Evolution of Resettlement' talks of 'conceptual developments including the strategic use of resettlement within comprehensive solutions strategies'. Under the heading 'Enhancing the Use of Resettlement' we find 'Strategic Use of Resettlement'; 'Group methodology'; 'Focus on Protracted Situations'; and 'Urban refugees' as four separate sub-headings. Yet the section on group methodology indicates that it exists because SUR called for it,¹¹⁴ although not all of the cases listed in which the methodology was used could be called SUR (indeed later when discussing identifying groups in need of resettlement the Handbook says "The group resettlement methodology aims to

¹¹³ UNHCR, Projected Global Resettlement Needs 2013 op.cit., p.15 (*emphasis added*).

¹¹⁴ UNHCR, Resettlement Handbook, 2011 p.58

expand resettlement opportunities whilst achieving operational efficiencies and, where possible, making strategic use of resettlement”)¹¹⁵ a back and forth of logic that can lose even an expert reader. Under the sub-heading PRS we learn that states were called upon to pursue the ‘strategic and increased use of resettlement’.¹¹⁶ At the same time, in spite of the fact that SUR is essentially the pivot for all four of these subsections, in discussing the role of the Resettlement Service at headquarters the only mention of SUR is: “function as focal point for the resettlement strands of the initiatives linked to **comprehensive durable solutions** and to promote the strategic use of resettlement;”¹¹⁷

195. Indeed, as described above, UNHCR has designated seven priority situations for SUR. Yet neither UNHCR nor resettlement countries are focusing on these situations as locations for actual resettlement, or even for resettlement labelled SUR. The value of the notion of a UNHCR priority is undermined by this lack of consistency. To strengthen it, or at least lend the appearance of strength to a UNHCR priority, it would seem that the organization should stand by its designated priorities and push for resettlement from those situations, or such designations should not be made, or at least they should be communicated only once there are clear commitments from resettlement countries.

196. This point depends on a second element of Communication, namely what is SUR intended to be in practice? Is it a tool for engaging states, or is it programmatic? The materials produced by UNHCR read as programme plans, and that is taken by many states to be the intention. Expectations are then raised: speeches, papers, lists, priorities all point towards a desire to implement – not just to engage in discussion.

197. UNHCR’s communication of SUR both internally (i.e. from DIP to bureaux, and even within DIP) and externally seems to be neither precise nor clear. The multiplication of strategies and priorities can lead to confusion both in terms of what is actually meant in this forest of major attention-seeking words, and in terms of what is actually important. One can question whether UNHCR is totally at fault for this obfuscation: perhaps the organization is trying to say the various things that it is thought states want to hear. However, to have at least the appearance of conviction, the agency needs to be able to settle on what SUR is, place it within the context of broader and other solutions and protection approaches, and communicate accordingly.

198. That states demonstrate similar confusion (or similarly confusing language) can be illustrated with an Australian citation, showing the semantic minefield linking ‘strategy’ and ‘resettlement’ within the context of ‘priorities’ and ‘comprehensive solutions’ in refugee protection work today, when looked at from the point of view of the SUR concept as a starting point:¹¹⁸

The strategic use of resettlement in Protracted Refugee Situations’

Focusing *strategic resettlement activity* on specific situations allows for *individually-focused and well-planned strategies* which should assist greatly in *comprehensively* resolving the situations. The *strategies identified for priority situations*, such as the

¹¹⁵ Ibid., p.233

¹¹⁶ Ibid., p.59.

¹¹⁷ Ibid., p.115

¹¹⁸ Ibid., p.11. *Emphasis added.*

eight identified by UNHCR, require a cooperative and coordinated approach among resettlement countries and a whole of government focus domestically.

Australia fully appreciates the value of *using resettlement strategically*. Australia is also keenly aware that resettlement can act as a catalyst for other solutions in protracted refugee situations, such as a safe return home or local integration, however limited they may be in scope.

Along with UNHCR and other countries, Australia has participated in *successful exercises to focus attention and develop strategies to unlock solutions for protracted refugee situations*.

For example, Australia has worked with other resettlement countries over a number of years to resettle Bhutanese refugees in camps in Nepal. This cooperative approach *encompassed a range of strategies across various government activities that were successful in allowing large-scale resettlement to commence*.

199. By the end of this section, it appears that the 'strategy' was to start up large-scale resettlement, whereas it began with strategic resettlement activity, focusing on the individual and planning, resolving situations comprehensively.

200. Part of the communication problem for UNHCR, both internally and externally, might lie in the way that resettlement writ large is variously viewed within the agency. Resettlement is still seen by some as the solution of last resort; to others it is the optimal solution that ideally would exist for almost all refugees. Few UNHCR staff appear ambivalent about resettlement – one is either for or against. In principle SUR should appeal to some in both groups: if resettlement can be strategically used to leverage other solutions as well as for other goals then perhaps this luxury is not so bad, or perhaps it is not so bad that not all refugees can be resettled. However, a certain cynicism about 'strategy' and about the manipulation of 'use' as well as about resettlement itself means that the agency is not fully behind the approach.

201. It also seems that it can be difficult for field staff to focus on resettlement sometimes: again, as the luxury solution for the lucky few it is overshadowed by the need to ensure protection and basic standards for the many thousands for whom resettlement will never be a reality. As such, planning, and identifying groups for whom resettlement might serve some other, protection related strategic goal can be a stretch. In addition, when a SUR programme seems to involve the ethical dilemma of a bribe – behavioural change (even something like sending female children to school on which most can agree) in exchange for the promise of resettlement (or at least eligibility for resettlement) – then for some staff there can be significant question marks about the desirability of involvement in the approach.

202. An additional element in communicating SUR is that of level of concern about success. In a sense, achieving any resettlement is a successful outcome for those UNHCR staff that see its value: if attaching a 'plan' with resettlement country-desired outcomes is necessary then so be it. For those seeking solutions in UNHCR, failure to achieve the plan, to add on the extra benefits is not a disaster when at least the resettled refugee has found a solution. Thus not achieving the goals of SUR does not mean failure: but not being able to communicate achievements might well mean a lack of interest in SUR the next time around, and that might lead to less, not more, resettlement.

203. from being on board with SUR at the beginning (2003-4); employing SUR language in a variety of texts (2005-6); having misgivings about misuses (2007); re-launching, including benchmarks (2009-10); setting priorities (2009-2011); being unconcerned about non-achievement of goals (2011) and viewing SUR as mainly about engagement not programme (2012-13). With so many changes in position, communicating the approach is inherently difficult.

Evidence

204. Answers to two questions should permit an assessment of the success of SUR: Has the concept achieved its goals? And has SUR been successfully implemented?

205. There is no evidence available that directly links SUR to success in any specific case. However there is also no evidence available that explicitly indicates that SUR has failed. There has simply been no effort to gather evidence that will demonstrate the success or failure of SUR, or the benefits claimed are not quantifiable: the measurable benchmarks sought in the 2009 WGR paper have apparently not materialized.¹¹⁹ There are therefore descriptions of the sense that a SUR approach served a purpose or did not in some cases, such as improved dialogue between UNHCR and a country of first asylum or the development of additional protection space through training and capacity building.

206. Many of the interviews with government and NGO staff suggest that the efforts of those implementing SUR, and the concept itself seem to be gaining relatively little in terms of additional benefits for other refugees. At most the current implementation of SUR seems to be offering a rationale for resettlement that potentially aids acceptance of it on the part of communities in resettlement countries and keeps resettlement programmes open, including the positions of those employed on such programmes (both of these are 'good' things, particularly in terms of preparedness for future crises, but neither reflects the intention of SUR as such i.e. to bring benefits to some of those refugees who are not resettled). This might itself contain the hidden danger that resettlement has to be strategic (or at least called that) to be justified domestically in some countries (and if the outcomes are not commensurate with the stated goals, that could be problematic).

207. However, the questionnaires returned by UNHCR staff members, and discussions with UNHCR staff in various countries indicate that there is a sense within the agency that SUR is sometimes being used effectively, and that it has the potential to make a greater contribution to refugee protection and solutions. In particular, UNHCR claims improvements in access to refugees in some host countries from which SUR has occurred, and an opening or improvement of relations with the relevant governments. These achievements can be useful in broader refugee protection work and dialogue: but they are only rarely the stated aim even of the Priority situations of SUR for which goals are indicated.

208. Measuring the success of SUR in achieving the goals that motivated its development (maintaining resettlement and 'diluting' the creative thinking of those countries seeking to use it to resolve their asylum crises) is also difficult. Resettlement today is, to a large degree, 'traditional resettlement'. It is a durable solution, it is generally not linked in some way to a

¹¹⁹ WGR 2009, op.cit,

trade off with asylum numbers (Australia apart), and it is generally not viewed as being (ab)used as an immigration channel.

209. UNHCR sought a stronger role in resettlement, and it seems to have gained in this respect, likely, to some degree through its efforts to coordinate SUR. There is a stronger focus on solutions in 2012 than there was in 2002, and again, the existence of discussion on SUR has most likely contributed to those efforts. More countries are participating in resettlement even if the total number of places available has not increased significantly, and again SUR might have contributed to this, although it is difficult to find concrete evidence to categorically support any of these examples of SUR's contributions.

210. The question that remains is whether UNHCR can sustain that influence and role if it calls for SUR, and makes priorities and suggests large-scale goals for SUR, but SUR fails to deliver. The concept as a whole might benefit from some broadly agreed successes. Smaller, clearly defined situations might offer such opportunities. Particularly for the resettlement countries with numerically smaller programmes it could be useful to highlight situations where the resettlement of several hundred (rather than several thousand or tens of thousands) can actually achieve a solutions strategy.

211. In order to demonstrate such achievement, UNHCR needs to document cases from beginning to end: starting from the expectations linked to SUR in a given situation, following through to the point at which the anticipated resettlement has taken place, and potentially continuing beyond the resettlement programme to the point at which the additional benefits of that resettlement are visible. There are several cases in which local UNHCR representatives have apparently used resettlement in a strategic way to achieve a particular goal, and hearsay suggests they have been successful, but there is no documentation of the cases by which to evaluate that success. In other cases, including some of the largest, there have been negotiations and meetings, but there is little or no 'paper trail'. What is more it seems that meetings and follow up have in many cases not continued beyond the start of the resettlement with a clear focus on the particular case, as opposed to as a side discussion within the WGR.

212. Without documentation, there is little or no way to record successes or failures of the approach, establish something of a standard operating procedure, evaluate outcomes or use situations in any way as examples for the future. Memories become 'altered': documentation from the time of events is invaluable for future reviews and evaluations of the approach as a whole or of specific cases. There can be a certain utility to having no evidence of failure, but as governments seek 'evidence based' policies, the attractions of the 'strategy' label without evidence of success probably have a limited shelf-life.

Planning

213. As the definition of 'strategy' indicates, SUR is intended to be proactive, not reactive. It is part of a systematic approach, not 'ad hoc'. The original SUR concept paper, produced by the Canadians in 2003, unlike later papers such as those by UNHCR in 2010 and 2011, was very clear that if benefits are to count as SUR, they must be planned, as 'used in an unplanned manner, resettlement in this fashion will not have been strategic, as it would not have been

planned to achieve and maximize any secondary benefit realized'.¹²⁰ In contrast, UNHCR's 2011 discussion paper suggests that "consideration should be given to unplanned benefits generated by enhanced support of the resettlement community which should also be taken into account."¹²¹

214. While unexpected, or unplanned, benefits could occur as a result of SUR, surely the whole point of 'strategic use' is to plan towards the achievement of a particular goal. It could be questioned whether SUR means planning for a particular benefit achievement in each specific situation or being strategic about where, when and how resettlement is used in more general terms, but the SUR definition certainly suggests planning to achieve benefits that go beyond those benefits that the refugee being resettled gets from their move.

215. With any amount of planning, however, as one UNHCR staff member pointed out in interview, if SUR does work, it is only in context. There needs to be some level of luck as well as planning: It needs to be a use of resettlement in the right place, at the right time, and with the right partners (both resettlement and first asylum countries) and everything, including exogenous circumstances, needs to align for SUR to achieve additional goals. Yet, as suggested above, if there are (rare) occasions on which this happens, it would be difficult to prove causality: that a strategic use of resettlement 'did it'. On the other hand, it would also be hard to prove that it was not a contributory factor.

216. Coordination is part of the planning for SUR. There have been examples, particularly in the case of the Bhutanese from Nepal, Afghan women from Iran and Eritreans from Eastern Sudan in which coordination between resettlement countries has been significant. The resettlement approach in Latin America has also seen strong coordination, as a regional solidarity approach. There is some disagreement as to whether the Latin American solidarity constitutes SUR: solidarity and strong coordination alone do not make for a strategic use of resettlement.

217. Furthermore, it seems that while there is often up front planning and coordination that ceases once the resettlement has started, rather than being a longer-term element of a programme to ensure that the resettlement is on track to achieve the anticipated additional benefits.

218. The planning element of SUR also leads clearly to some distinguishing features of SUR in contrast to other forms of protection and resettlement. If a resettlement caseload can be planned with various benefits in mind, then it seems to imply that there are choices and decisions can be made: that the process of starting the resettlement is one that can take time and be well considered. In other words, it is not an emergency activity. There could be emergency standby planning for resettlement, but an emergency (such as a large exodus in which refugees are not welcome to remain in a neighbouring country of first asylum which is threatening to close its border), would more likely be met with an evacuation for temporary protection and not with SUR or resettlement.

¹²⁰ See WGR 2003 op.cit., UNHCR 2010 op.cit., UNHCR, 2011 op.cit..

¹²¹ UNHCR, *Implementation of the Strategic Use of Resettlement*, Discussion Paper, Working Group on Resettlement October 2011.

219. experts, between strategic use and emergency or humanitarian resettlement. One interviewee suggested that 75 per cent of all resettlement should be SUR. The Netherlands is the only country which explicitly operates such a separation, devoting 80 per cent of its resettlement places to SUR. Others would argue that if there is such a separation then the balance should be different. At the end of the day, a major question for UNHCR is: How important is SUR in resettlement and durable solutions work, in comparison to other forms of resettlement? Given the limited number of places available, are the benefits to be gained from SUR such that for several years almost all resettlement should be SUR? Put differently, is UNHCR confident of extracting additional benefits through SUR? Because if so, is there not a moral responsibility to assist the maximum number of refugees possible, and thus to make most resettlement SUR and gain all those added benefits? If the agency is not prepared to prioritise SUR within resettlement activities (which is quite different from having priority situations for SUR) then is it in essence saying “we don’t really believe this will work?”

220. Of course, in the cluttering of terminology some people (including within UNHCR) do call the evacuation for resettlement of a person with particular medical needs ‘strategic’ rather than, or as well as ‘emergency’ or ‘humanitarian’ because it has the benefit of freeing up resources in the country of first asylum – money for treatment, hospital space etc. – that can then be used by others. They may have a valid point, however, although it might be difficult to use total precision in labelling resettlement, many of those interviewed see it as most productive to preserve the term SUR for situations with larger, specific goals.

221. When looking at the ‘planned use’, and taking into account the intention of coordinating between resettlement countries in undertaking SUR in a specific situation, divergence can often be perceived in terms of the goals states have. In general terms, Europe often wants to see increased first asylum; the US often seeks to unlock other durable solutions; Canada focuses on protracted refugee situations, and both Australia and the Latin American resettlement countries have particular regional focuses. In other words, the resettlement states are generally seeking some sort of plan and outcome, although in practice the focus on achieving that might be greatest for those countries with numerically smaller programmes, perhaps because each of their places is so much more ‘valuable’, perhaps because they have to justify refugee arrivals that much more clearly to their broadly resistant populations.

Actors

222. The actors around the table discussing SUR are usually all *resettlement* actors. Even if states can or could bring other actors (foreign ministry/diplomatic; defence ministry; development economists etc.) to the table they rarely do, even where the concept of ‘whole of government’ prevails as in Denmark, the Netherlands and the UK. Leadership in SUR is generally exercised by UNHCR, which consists by definition of refugee focused actors. We have not yet reached the point at which UNHCR would bring other UN agencies to the table in the effort to extract the additional benefits that resettlement of some refugees might help to leverage. As such one has to question whether ‘strategy’ in terms of broad, long-term planning for non-resettlement goals that could be achieved as a result of the use of resettlement can really be effectively put into practice either by these refugee and resettlement focused actors or through resettlement *alone*.

223. The success of SUR often depends on exogenous circumstances and context: and it could also depend on other resettlement country actors. In many cases, the addition of development aid to a solutions approach (including SUR), or a foreign policy/diplomatic element is crucial. In the case of Nepal, for example, the Danes could take a lead because they have an embassy in Nepal. In the case of Afghan women in Iran, the Nordics were also able to take a lead, thanks to their diplomatic presence. In Eastern Sudan the Norwegians are hopeful that the fact that their development ministry is also involved in providing assistance linked to the SUR will be instrumental in that programme being successful. Everything needs to come together, and resettlement is just one part: but can it all come together when the key actors in SUR are resettlement experts?

224. Can the officials that manage a resettlement programme sufficiently determine the strategic goals, and do they have sufficient tools (i.e. is resettlement enough) to put them into effect?

225. There are also situations in which resettlement as a solution is effective precisely because the resettlement countries have no overt foreign policy interests, but the intention of providing a humanitarian and protection oriented solution to the refugee crisis.

226. Even within UNHCR, focused as the agency is on refugee protection and solutions, SUR is a complex approach involving multiple branches of the organization. While headquarters views the 'big picture' and is the lynchpin between offices in the countries of resettlement and countries of first asylum, the field offices have the direct overview of the resettlement needs (for big and lower profile cases) and opportunities for resettlement. In larger resettlement countries, UNHCR staff generally includes long-term Resettlement Officers who have been involved in the programme development and are trusted counterparts. Interviews for this review suggest that there could be improved three-way coordination between offices in both countries of first asylum and countries of resettlement and headquarters to provide for optimal planning for SUR, as well as optimal outcomes.

227. In particular, there were several suggested cases of UNHCR representatives on the ground seeing a way to influence a government, so that those authorities would act and sense support from UNHCR and developed states. The SUR that these representatives can initiate is perhaps low level in numerical terms, but if it achieves an added benefit it is successful SUR and can contribute to the sense that the concept works, and can be employed in higher profile, perhaps more risky, programming. The question then is whether these representatives in asylum countries are given the scope to initiate SUR, or whether they are held back by headquarters concerned about the overall resettlement picture.

The role of host countries

228. The position of host countries (or first countries of asylum) is pivotal in the delivery of SUR. It was the developing countries that sought the inclusion of resettlement and its role in burden-sharing in the *Agenda for Protection*, and thus in the working groups and processes, such as Convention Plus, that flowed from that. Indeed, much of the background to the approach was premised on a sense that involving those countries and strengthening protection there was essential. This focus on host countries was considered crucial both for the international

protection regime generally (and thus for more effective protection for each and every refugee globally) and, perhaps more selfishly but nonetheless pragmatically, for improving the situation vis à vis asylum in Europe. It is, therefore, somewhat ironic that a major flaw in the implementation of the concept is the absence of host countries in the planning and implementation process: they seem to be viewed as the targets of SUR rather than as participants in achieving protection and solution goals.

229. Host countries were central to European motives for seeking a way out of their own asylum crises that included resettlement. Host countries were also central to the process through which SUR was conceptualised. When Convention Plus's two other strands: on secondary migration and development assistance failed, the means to fully incorporate support for host countries disappeared. Whereas SUR was to exist alongside them as a method of sharing the protection of refugees, it came to stand alone, as a resettlement country concept in which host countries are not partners but are more often subjects of the policies. They are expected to offer local integration; maintain open borders or protection space; increase their capacity to process refugee claims and to offer genuine protection; be more willing to sit down at the table with UNHCR and others to discuss protection issues and particular cases. They are not partners in the SUR process, they are rather to be influenced by the generosity of resettlement countries in relieving them of some part of their burden, be it through large-scale resettlement as of the Bhutanese in Nepal or of a small number whose cases 'block' another solution or protection for others (as in the Afghans in India) or whose protection is very expensive (as in the medical cases in Iran).

230. There are sometimes barriers to host country involvement, for example where refugees are viewed as a problem for the international community and not the responsibility, in any way, of the first host country. The governments of such countries might then expect resettlement: and getting those countries to shoulder their part of the responsibility might be key. That could either be a (short-term) goal of SUR, or it could be a pre-condition.

231. However, most of the interviews for this review reveal that without the participation and potential partnership of host country governments the goals of SUR cannot be achieved. While host governments are viewed as part of the problem that a strategic use of resettlement will take on the goals of greater dialogue, access, protection space and local integration cannot be achieved. As a result, host governments might even hamper efforts to resettle by, for example, not issuing visas to resettlement selection mission staff. Host country governments must rather be drawn in as partners in a strategy to achieve protection and solution goals in which resettlement will play the role of showing host countries that other countries will also participate in resolving the situation of the refugees they host.

Future options

232. The terms of reference for this review ask whether SUR should be maintained. What has undoubtedly emerged during the course of this review is that the concept of SUR is valued by many actors. It seems to have played a role in bringing more resettlement countries on board, which is an aim of both UNHCR and the traditional resettlement countries. SUR seems also to have given a sense of focus and purpose to some resettlement activities. The concept generally has not been as well implemented as devised. Being a 'great concept' but not (yet) a practical success suggests that it would likely have to be created if it did not already exist, but in its creation, means would need to be found to make it more operable than is actually the case.

233. If engagement alone were the goal then this is not a major problem. However, resettlement countries are looking at SUR as more than a tool to get them to talk. They seem, to varying degrees, to want it to be a tool for action. If some in UNHCR see SUR as only a PR tool then there is a communication problem: those, including some government officials, listening to UNHCR on the subject of SUR do not understand it that way. However, changing the SUR discussion to being openly one of concept as PR tool as opposed to a concept underpinning action and programmes would be difficult without losing the concept and the engagement itself.

234. There are three obvious possible future steps: discontinue the approach due to the absence of clear success in implementation; simply accept that even without useful implementation the concept itself has value, so keep it as it is; keep the concept, but adapt the approach to it so that its implementation can be measured and every effort can be made to achieve its aims.

235. The potential of the concept and support it has is such that simply discontinuing the approach does not seem to be a valid option.

236. In maintaining SUR then, two questions arise: 1) is SUR simply a concept used to encourage states to engage in resettlement and particular situations with no expectation of specific actions or outcomes and 2) if SUR is in fact expected to be programmatic to some degree should the imperfections of attempts at implementation simply be accepted or should efforts be continued to achieve greater implementation?

237. Simply accepting the current situation of a useful and valid sounding but largely aspirational concept, with weak implementation and a cacophony of terms (priorities, strategies, comprehensive etc.) being used to try to inspire improved implementation does not seem satisfactory to most state actors and to some in UNHCR. The continuous attempts to increase the volume through terminology point to a desire to see the concept bear fruit. What is more, an acceptance of a great concept without practical substance would undermine the hopes that keep SUR alive and have contributed to the delivery of several new resettlement countries (albeit without a significant increase in total resettlement places available annually).

238. The danger in attempting to achieve the results that SUR seeks is disappointment if the goals are not (fully) met. However, that danger exists anyway: in fact resigning the international community to the idea that this promising concept is fine words only would be tantamount to dropping it.

239. Therefore, the only valid option is to seek better implementation. Five avenues for deeper investigation that could lead to improved implementation of SUR have emerged in this review:

- a. Involve host country governments as partners from the beginning
- b. Manage expectations/aspirations
- c. Plan, and maintain planning beyond the starting point
- d. Evaluate and measure
- e. Be clear in terminology, context and framing.

Involve host country governments as partners from the beginning

240. Rather than having host countries (or countries of origin in some cases) be subjects of the approach, with resettlement intended to influence them, these governments should be brought into the SUR thinking and planning at the earliest possible opportunity. It might be that some resettlement has to occur to show goodwill and the genuineness of the approach before getting everyone to the table to discuss the long-term goals, but it should not be that half a caseload needs to be resettled in order to get to that point. In some cases it is likely that engaging host governments to assess their needs, including getting their assessment of their needs, hopes and expectations regarding a refugee population, what they are actually willing to do in terms of increased protection and solutions, and how any resettlement can help in that process, will bring to light major and minor issues that were previously unclear. Only through such engagement can appropriate capacity building and relationship building take place to allow resettlement countries and UNHCR to achieve their medium- to long-term strategic goals through the use of resettlement.

Manage expectations/aspirations

241. Rather than suggesting that not achieving goals does not mean failure, it might be appropriate to start out a SUR exercise with a range of goals, and to manage various actors' hopes and expectations for the approach. The greatest success might be to leverage other solutions whether local integration and/or repatriation. However, if there was no or little dialogue between a host country or country of origin and UNHCR before SUR got underway, then having regular discussions due to the resettlement programme might also be a success. That dialogue might seem like 'failure' if it was not included in the initial planning as a target. As such having the minimum goal that would be a success, as well as the maximum goal, and potentially a range of targets in between, would mean that the level of success could be seen, and expectations would not be undermined.

242. UNHCR has started to do this in its priorities for SUR exercise, setting out short-, medium- and long-term goals. However, de-listing a priority SUR situation because the resettlement has been accomplished without even the short-term goal being achieved naturally looks like failure to extract any benefits from the resettlement. The goals should be modest, the

timeframe reasonable (i.e. work to spread the resettlement in such a way that there are opportunities to achieve the short-term goals at least). Some programmes might have a clear goal and involve the resettlement of fewer than a thousand refugees. Those programmes might need to be quick, they might need to be slow – each programme will need to be tailor made, with an eye to potential unintended consequences.

243. The expectations or aspirations could also optimally be set out as clearly as possible. If UNHCR has only low level meetings once or twice a year before a programme starts, and having three higher level meetings would be a useful achievement, which UNHCR hopes could lead to increased protection space then resettlement countries and other observers could support that, and support a next-step programme if it is clear that this has been achieved. Simply saying ‘greater dialogue’ does not necessarily mean very much, but the meaning attached to it might take the expectations beyond what is realistic.

Plan, and maintain planning beyond the starting point

244. SUR is a process not a one off action. Planning to start the process is one thing, and seems to have been done usefully and successfully in some cases. Planning to see the process through, including on-going coordination between resettlement countries (under UNHCR leadership or with a core group led by one or two of the countries involved) and consistent efforts to include host countries and countries of origin where appropriate (particularly where their efforts are required to achieve the added benefits) is another. Maintaining a planning mode throughout a SUR programme would mean being able to adjust the strategy – see where other actors such as a foreign ministry of development assistance could be required – and allow the resettlement/refugee policy actors a consistent broad view of the operation.

Evaluate and measure

245. Ultimately governments are looking to be able to claim a successful outcome to their programmes. Goals need to be achieved for there to be continued engagement. In order to measure achievement against a range of goals there need to be continued evaluations of individual situations as well as the broad policy. Such evaluation can be qualitative in nature, but even then some measurable points would clearly be useful in conveying with certainty that a SUR case has had the anticipated outcomes. The danger of not being able to show success is the dispiriting sense that indeed not achieving goals is a failure, and then not only SUR but potentially all resettlement could suffer.

246. In order to be able to evaluate and measure implementation and to see some achievement of the hopes placed on the concept, the goals need, again, to be clear – not a nebulous improvement, but an actual, demonstrable change: and the reasons for that change need also to be clear. For example, if issuing identity cards to the remaining population is a goal, then be clear about it. If the identity cards serve little purpose, cost the government nothing but also add little or nothing to refugee protection then why have them as a goal? If they are in fact useful, make sure their utility is clearly spelled out. If there is doubt about the achievement (e.g. if identity cards were important for access to some services before the SUR started, but the government changed requirements along the way thereby de-valuing the cards) then be explicit, and derive consequences in terms of decisions about which caseloads to resettle in the

future.

Be clear in terminology, context and framing.

247. The layering or cluttering of strong terms like ‘strategic’ and ‘priority’ is not, currently, making implementation, or indeed the concept itself, clearer or more likely to succeed. Rather it is obfuscating, confusing and de-valuing both the approach and the sense of any need to listen to UNHCR generally in calls for action. If everything is a priority, and all action will be strategic, then in fact nothing is a priority and there is no strategy. It’s akin to crying wolf, and will not serve the purpose of refugee protection.

248. There are many demanding, indeed heart-wrenching situations of displacement around the globe. UNHCR is charged with dealing with them all: but SUR is not the right approach for all of them. The ideal approach would be to step back, consider where, over a foreseeable period of time resettlement could genuinely contribute to finding a solution for all even if not all can be resettled; where the fact of resettlement will not present such a pull factor that the population simply gets replicated; where the resettlement itself would be beneficial to those moving, to the resettlement countries and could have the desired additional benefits; where there are host countries that will engage, and that through their engagement will become stronger players regionally and globally in refugee protection. Then a specific strategic use of resettlement programme for a small number of cases could be developed, with core group coordination, clear and measurable goals, precise terminology and framing of the context and the aspirations, and UNHCR and resettlement countries would be given the chance to prove the real value of SUR.

249. One can quibble with the label SUR, but if in fact resettlement would be used strategically, with precision according to the term and its meaning, and if SUR helps bring new countries on board, then fine.

250. The definition has not yet proved itself through strong practice, but it is something that works politically and has the potential to work in thoughtful implementation.

251. Thus the requirement in regard to terminology might be to leave the words alone: to not try to use the word ‘strategy’ for any other part of comprehensive solutions than SUR, for example. To not have ‘priorities’ for SUR, suggesting many cases could require SUR and there are a few important ones demanding immediate attention, but rather to identify just a few cases where SUR is envisaged to be the right approach.

252. UNHCR’s 2011 Working Group discussion paper noted the influence of exogenous circumstances on the success or failure of SUR. Indeed, SUR is not an approach that is or can be implemented in isolation. As one interviewee noted, there is a need for all the cards to line up: at the end of the day, success in SUR could be as much about luck as planning in terms of timing and non-resettlement influences on the process. Nonetheless, SUR requires as much coordination, management, precision, consistency and documentation as possible if its implementation is to live up to the promise invested in the concept. Above all, decisions need to be taken about whether simply bringing countries together to discuss resettlement is sufficient to implement SUR, or whether the concept should underpin programmatic activities. The return

to first principles, and look at multi-lateral endeavours and commitments, over multiple years, to bring multiplier effects is the latest step in the process. It is the latest effort in an elusive challenge: demonstrating through implementation how wonderful the SUR concept is.

List of Interviewees

UNHCR

T. Alexander Aleinikoff (Deputy High Commissioner)
Mamadou Dian Balde (Senior Protection Officer, DIP – Comprehensive Solutions, UNHCR Geneva)
Michael Casasola (Resettlement Officer, UNHCR Canada)
Vincent Cochetel (former Representative, UNHCR Regional Office Washington)
Furio De Angelis (Representative, UNHCR, Canada)
J.F Durieux (Retired from UNHCR – previously head of Convention Plus)
Erika Feller (former Assistant High Commissioner – Protection)
John Fredriksson (Representative, UNHCR Ecuador)
Madeline Garlick (Head of Unit, Policy and Legal Support Unit, UNHCR Brussels)
Arafat Jamal (former Deputy Representative, UNHCR Jordan)
David KARP (Protection Officer, Division of International Protection, Comprehensive Solutions, UNHCR Geneva)
Johannes Van Der Klaauw (Senior Resettlement Coordinator, Division of International Protection, UNHCR Geneva)
Bart Leerschool (Senior Legal Officer, Bureau for Asia and the Pacific, UNHCR Geneva)
Wei-Meng Lim-Kabaa (Deputy Director, Comprehensive Solutions Unit, Division of International Protection, UNHCR Geneva)
Nicholas Maligieri (former Resettlement Officer, UNHCR Regional Office Australia)
Janice Marshall (Deputy Director, Policy and Law, Division of International Protection, UNHCR Geneva)
Pierfrancesco Natta (Senior Legal Officer, Regional Bureau for Asia and the Pacific, UNHCR Geneva)
Henrik Nordentoft (Deputy Director, Division of Programme Support Management, UNHCR Geneva)
George Okoth Obbo (Director, Africa Bureau, UNHCR Geneva)
Rick Towle (Representative, UNHCR Regional Office Australia)
Volker Turk (Director, Division of International Protection)
Larry Yungk (UNHCR Regional Office Washington)

Countries of resettlement

Australia

Jim O’Callaghan, Assistant Secretary, Humanitarian Branch, Department of Immigration and Citizenship

Canada

Bill Lundy, retired, Citizenship and Immigration Canada
Debra Pressé, Director of Resettlement Policy, Refugee Affairs Branch, Citizenship and Immigration Canada
Bruce Scofield, Director General, Integration Programs at Department of Immigration and Citizenship

Denmark

Henrik Ankerstjerne, Deputy Permanent Secretary, Ministry of Justice

Finland

Sirkku Päivärinne, Director of Interantional Protection Unit, Migration Department, Ministry of Interior

Netherlands

Janneke van Etten, Senior Policy Officer, Ministry of Security and Justice

Norway

Steven Mack Omdal, Directorate of Immigration

Tonje Øyan, Head of Resettlement Unit, Directorate of Immigration

Marit Rosevinge, Senior Adviser, The Department of Migration, Ministry of Justice and Public Security

Sweden

Oskar Ekblad, Deputy Director, Swedish Migration Board

UK

Helen Gray, Operational Policy and Rules Unit, Strategy and Intelligence Directorate, Border Agency

USA

Lawrence Bartlett, Director, Refugee Admissions, Department of State

Scott Busby, Senior Advisor, Department of State

Kelly Gauger, Deputy Director, Refugee Admissions, Department of State

Terry Rusch, retired Director, Refugee Admissions, Department of State

Kelly Ryan, Acting Deputy Assistant Secretary, Department of Homeland Security

Other

Terry Abeles, LIRS

Bill Frelick, Human Rights Watch

Mark Hetfield, HIAS

Amy Slaughter, Chief Operating Officer, Refugepoint

Gabriela Szmidt, European Commission

Participants in June 2012 Workshop for this review

Guido AMBROSO (PDES)
Martin ANDERSON (RefugePoint)
Mamadou Dian BALDE (DIP - Comprehensive Solutions)
Indira BEGANOVIC (MENA)
Jeff CRISP (PDES)
Suzanne DUFF (DIP - RSD)
David KARP (DIP - Comprehensive Solutions)
Bart LEERSCHOOL (Asia)
Angela LI ROSI (PDES)
Katy LONG (Consultant)
Agostino MULAS (Americas)
Pierfrancesco NATTA (Asia)
Henrik NORDENTOFT (DPSM)
Doris PESCHKE (CCME)
Kimberly ROBERSON (DPSM)
Monique SOKHAN (Africa)
Joanne van SELM (Consultant)
Johannes van GEMUND (Europe Bureau - via videolink)
Andreas WISSNER (Europe Bureau)
ICMC

Annex

Priority situations for SUR/largest resettlement situations for select resettlement countries/region

UNHCR 2011 ¹²²	US (P2 FY2012 ¹²³ and groups forming over 5% of arrivals FY2009 and FY2010 ¹²⁴	Canada 2010 arrivals (GAR) ¹²⁵	Australia Off-shore visas issued 2010-2011 (main groups resettled)	EU 2012 - 2013	Netherlands 2012	Sweden 2012	Finland (2007-2012)	UK largest groups 2009 ¹²⁶
Somali refugees in Dadaab, Kenya;	Somalis	Somalians		Somali refugees in Ethiopia;	Somalis in Kenya	Somalis in Kenya; Somalis in Djibouti		
Afghan refugees in Iran;		Afghans ¹²⁷	Afghans in United Arab Emirates, Pakistan, Indonesia and <u>Iran</u>	Afghan refugees in Turkey, Pakistan and <u>Iran</u> ;			Afghans in Iran	

¹²² UNHCR, 'Implementation of SUR', WGR 2011 op.cit..

¹²³ US, FY2012, op.cit.

¹²⁴ UNITED STATES DEPARTMENT OF STATE and UNITED STATES DEPARTMENT OF HOMELAND SECURITY PROPOSED REFUGEE ADMISSIONS FOR FISCAL YEAR 2009 REPORT TO THE CONGRESS SUBMITTED ON BEHALF OF THE PRESIDENT OF THE UNITED STATES TO THE COMMITTEES ON THE JUDICIARY UNITED STATES SENATE AND UNITED STATES HOUSE OF REPRESENTATIVES IN FULFILLMENT OF THE REQUIREMENTS OF SECTION 207(d)(1) and (e)(1-7) OF THE IMMIGRATION AND NATIONALITY ACT and UNITED STATES DEPARTMENT OF STATE and UNITED STATES DEPARTMENT OF HOMELAND SECURITY PROPOSED REFUGEE ADMISSIONS FOR FISCAL YEAR 2010 REPORT TO THE CONGRESS SUBMITTED ON BEHALF OF THE PRESIDENT OF THE UNITED STATES TO THE COMMITTEES ON THE JUDICIARY UNITED STATES SENATE AND UNITED STATES HOUSE OF REPRESENTATIVES IN FULFILLMENT OF THE REQUIREMENTS OF SECTION 207(d)(1) and (e)(1-7) OF THE IMMIGRATION AND NATIONALITY ACT

¹²⁵ Government Assisted Refugee Program. Reported in Citizenship and Immigration Canada, Strategic Outcomes and Program Activity Architecture (in effect April 1, 2011): Program Activity 2.2 - Refugee Protection <http://www.cic.gc.ca/english/department/paa/2011/activity-22.asp>

¹²⁶ Crawley, H., Migration and Global Environmental Change: Past UK experience of the arrival of populations displaced by extreme events, October 2011 <http://www.bis.gov.uk/assets/foresight/docs/migration/policy-development/11-1144-pd6-uk-experience-populations-displaced-by-extreme-events>

¹²⁷ No mention of first asylum country

Refugees of various nationalities in Turkey;	Iraqis and Afghans who may have been in Turkey			*Refugees from Iraq in Turkey, Syria, Lebanon and Jordan; *Afghan refugees in Turkey, Pakistan and Iran;			Iranians and Iraqis in Turkey	
Afghan refugees in Uzbekistan; ¹²⁸								
Eritrean refugees in Libya;		Eritreans ¹²⁹		Eritrean refugees in Eastern Sudan.	Eritreans in Eastern Sudan	Eritreans in Sudan		
Iraqi and Palestinian refugees in Syria, Jordan and Lebanon;	Iraqis in various countries including Jordan, Syria and Lebanon	Iraqis in Syria and Jordan	Iraqis from range of countries, particularly Syria	Refugees from Iraq in Turkey, Syria, Lebanon and Jordan;	Iraqis in Lebanon			
Refugees of various nationalities in the Pacific Island States. ¹³⁰								
Colombian refugees in the Latin American region		Colombians in Latin America			Colombians in Ecuador	Colombians in Ecuador		
Afghan refugees in Pakistan		Afghans ¹³¹		Afghan refugees in Turkey, Pakistan and		Afghans in Iran		

¹²⁸ Completed and removed from the Priority list in 2011.

¹²⁹ No mention of first country of asylum

¹³⁰ Completed and removed from list in 2011 – numbers too small to appear on lists of major cases for resettlement countries.

¹³¹ No mention of first country of asylum

				Iran;				
	Ethnic minorities and others from Burma in camps in Thailand;		Burmese from camps along Thai-Burma border, Malaysia and India	Burmese refugees in Bangladesh, Malaysia and Thailand;				Myanmarese
	Ethnic minorities from Burma in Malaysia;			Burmese refugees in Bangladesh, Malaysia and Thailand;			Burmese from Thailand	
	Bhutanese in Nepal;	Bhutanese in Nepal	Bhutanese in Nepal					
	Iranian religious minorities;							
	Iraqis associated with the US.							
		Congolese in Africa	Democratic Republic of Congo in a range of African countries	Congolese refugees in the Great Lakes Region (Burundi, Malawi, Rwanda and Zambia);			Congolese from Rwanda	Congolese
		Ethiopians	Ethiopians in a range of African countries					Ethiopians
	Cubans					Refugees in Tunisia		

