

**Implementation of the Comprehensive Strategy for the Liberian Refugee Situation,
including UNHCR's recommendations on the
applicability of the "ceased circumstances" cessation clauses**

A. Introduction

1. In October 2009, UNHCR announced at the 60th Executive Committee of the High Commissioner's Programme (EXCOM) a comprehensive strategy to bring to a proper closure the Liberian refugee situation. The strategy comprised four components: (i) enhancing promotion of voluntary repatriation and reintegration of Liberian refugees in Liberia; (ii) pursuing opportunities for local integration or alternative legal status in countries of asylum; (iii) continuing to meet the needs of those individuals unable to return to their country of origin for protection-related reasons; and, (iv) elaborating a common schedule leading to the cessation of refugee status.
2. Since 2009, UNHCR has engaged relevant stakeholders, including authorities in countries of asylum and the country of origin, and affected refugees themselves, to achieve solutions for as many refugees as possible. Over the past months, the Office has undertaken a critical review of progress achieved in the implementation of the comprehensive strategy, including through consultations with countries of asylum and the country of origin. This review has demonstrated that, while much has been achieved over the past two years in bringing the comprehensive strategy to fruition, important challenges remain. With regard to voluntary repatriation, many refugees remain reluctant to return to Liberia, be it due to strong links to their countries of asylum after many years in exile, questions about their reintegration in Liberia, or continued hopes for resettlement to a third country. At the same time, while there exists a legal framework for local integration or alternative legal status at the regional level in West Africa, concrete offers of such solutions at the national level remain limited. UNHCR considers it critical that States and other relevant actors address these challenges in a timely and concerted manner, so as to secure meaningful solutions for as many Liberian refugees as possible.
3. In relation to the cessation of refugee status, it was initially envisaged that cessation would take effect on 31 December 2011. Given, however, the current status of implementation of the comprehensive strategy, UNHCR recommends that States implement during the first half of 2012 all aspects of the cessation of refugee status, including exemption procedures, for Liberian refugees who fled their country as a result of the civil wars from 1989 to 2003, with refugee status to formally cease by 30 June 2012.

B. Overview of the Liberian Refugee Situation

4. From 1989 to 2003, Liberia underwent two civil conflicts, the first from 1989 to 1996 and the second from 1999-2003, which resulted in large scale internal and external displacement. (See paras 20-25 below.) Since the end of the second conflict in 2003, with the signing of the Comprehensive Peace Agreement and the departure of then-President Charles Taylor from office, the vast majority of Liberian refugees, have returned home.
5. As of 31 December 2011, there were some 63,200 Liberian refugees and 1,422 asylum seekers still in exile in the West Africa region, with Côte d'Ivoire hosting the largest number (24,790); followed by Ghana (11,135); Guinea (12,669); Sierra Leone (8,188);

Nigeria (5,327); and smaller groups in The Gambia (709), Mali (436), Senegal (635) and Guinea Bissau (152). Nearly all Liberian refugees in the region were granted refugee status on a '*prima facie*' basis under Article 1 (2) of the 1969 OAU Convention, having fled as a result of the civil wars that affected Liberia between 1989 and 2003.

C. Status of the Comprehensive Strategy

6. In late 2011, UNHCR undertook consultations with States and other partners on the status of the Comprehensive Strategy for the Liberian refugee situation and the way forward. These discussions included a regional meeting in Abidjan, Côte d'Ivoire on 26 and 27 September 2011, which brought together seven refugee-hosting States (Benin, Côte d'Ivoire, Ghana, Guinea, Mali, Nigeria, and Togo) and the country of origin, as well as bi-lateral meetings between UNHCR and Government delegations on the margins of the 62nd Session of the Executive Committee.
7. During these meetings, States uniformly validated the Comprehensive Strategy as a whole, confirming as well that repatriation and local integration remain the core solutions for the Liberian refugee situation under discussion. States also agreed to continue to work towards the strategy's full implementation, while taking note of the challenges they have confronted over the past year. The post electoral conflict that erupted in Côte d'Ivoire in late November 2010 set back implementation of the strategy for a number of States, in particular Côte d'Ivoire, Liberia and Ghana. Liberia was stretched to its limits, both in terms of absorption capacity and resources, to provide assistance and protection to the over 100,000 Ivorian refugees who fled their country since early December 2010.
8. The status of each of the main components of the comprehensive strategy for Liberian refugees and UNHCR's recommendations going forward are outlined below.

(i) Intensify efforts to promote voluntary repatriation

9. The greatest part of the Liberian refugee population has, since the end of the conflict in 2003, returned home. UNHCR has been actively promoting the voluntary repatriation of Liberian refugees since October 2004. Between October 2004 and the end of December 2011, 169,630 Liberian refugees repatriated, the majority of whom (126,180) were assisted by UNHCR, including 1,762 in 2011.
10. UNHCR's monitoring of refugee returns has indicated that returnees have reintegrated reasonably well into their home communities. They are, however, in some instances faced with socio-economic problems impeding meaningful access to basic services, such as health and education, similar to those faced by other Liberians. During the 26-27 September 2011 consultative meeting with countries of asylum in the West Africa region, voluntary repatriation was reaffirmed as a core component of the comprehensive strategy. States reiterated, however, the importance of investing greater efforts towards effective reintegration in Liberia to make return more sustainable.
11. In view of the above, UNHCR recommends that the following next steps be taken:
 - a) UNHCR, countries of asylum, the country of origin and other partners to continue to work actively and decisively in promoting voluntary repatriation and facilitating the voluntary return home of Liberian refugees.
 - b) Countries of asylum, the country of origin and other partners to implement, as soon as possible and in close coordination with UNHCR, information campaigns and outreach to furnish refugees with the options available to them so that they can make informed decisions.

- c) In promoting returns, relevant actors to increase dialogue with Liberian refugee communities, correct misinformation, and establish confidence-building measures encouraging further returns.
- d) The Government of Liberia, with the support of the international community, to maintain and enhance its commitment to supporting the sustainable voluntary return and reintegration of Liberian refugees.
- e) Liberian refugees wishing to repatriate voluntarily with UNHCR assistance to receive assistance for transportation and a cash grant to help them reintegrate upon return subject to availability of funding.

(ii) Pursue opportunities for local integration or alternative legal status in countries of asylum

12. Some Liberian refugees may wish to continue to remain, reside or integrate in the countries where they have thus far enjoyed asylum. Many Liberian refugees are long-term residents in their countries of asylum. They have established family ties through marriage to nationals of the country of asylum or third-country nationals residing there. Many are contributing to the local economy. In such cases, UNHCR considers local integration or an alternative legal status to be the most appropriate durable solution.
13. Within the legal framework of the Economic Community of West African States (ECOWAS)¹, Liberian nationals in West Africa are entitled to reside and establish themselves as ECOWAS citizens in their present countries of asylum, provided they satisfy certain requirements. UNHCR offices throughout West Africa are working with Liberian consular offices and host governments to ensure that refugees wishing to remain in their country of asylum receive the necessary documentation (e.g., passports and/or consular cards) to allow them to do so. UNHCR continues to advocate with countries of asylum for the reduction of fees associated with long-term residency, work permits or naturalization.
14. During the consultative meeting of 26-27 September 2011 in Abidjan, Côte d'Ivoire, refugee-hosting States reaffirmed their preparedness to offer alternative legal status to long-staying Liberian refugees wishing to remain in their countries, but with a corresponding request made for international assistance in meeting the associated costs. They also reiterated their commitment to facilitate the naturalization of persons who so wish, in accordance with national laws. It should be noted, however, that the Liberian Constitution does not permit citizens to hold dual nationality.
15. In view of the above, UNHCR recommends that the following next steps be taken:

¹ *The 1979 ECOWAS Protocol Relating to the Free Movement of Persons, Residence and Establishment (A/P.1/5/79)* is available at <http://www.sec.ecowas.int/sitecedeaol/english/protocoles.htm>, together with its four related Supplementary Protocols: *1985 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment*; *1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment*; *1989 Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment*; *1990 Supplementary Protocol A/SP.2/5/90 on the implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement of Persons, Right of Residence and Establishment*.

- a) Countries hosting Liberian refugees to favorably consider the granting of naturalization or an alternative legal status to refugees with strong family, social and economic ties to their countries, consistent with Executive Committee Conclusion No. 69 (XLIII) (1992) on "Cessation of Status". UNHCR to take steps to confirm or secure with the concerned countries appropriate arrangements that will enable refugees seeking to remain to do so.
- b) States, with UNHCR support, as necessary, to apprise refugees who wish to remain, reside or integrate in countries of asylum of their legal entitlements or options that may be available to them under national laws and/or regional agreements.
- c) The Government of Liberia to provide national passports, consular cards or relevant documentation to Liberian refugees in countries of asylum so as to facilitate the issuance of residence and work permits by those countries in a timely manner.
- d) Recognizing the costs associated with local integration, UNHCR to support countries of asylum with local integration efforts to the extent funding is available. UNHCR and countries of asylum to advocate with donor countries to make available increased funds for this critical element of the comprehensive strategy.

(iii) Elaborate a common schedule leading to the definitive cessation of refugee status, while continuing to meet the needs of those unable to return to their country of origin for protection-related reasons

- 16. The application of the "ceased circumstances" cessation clauses is an end point to the comprehensive strategy. As noted above, UNHCR recommends that States implement all aspects of the cessation of refugee status, including exemption procedures, for Liberian refugees who fled their country as a result of the civil wars from 1989 to 2003, during the first half of 2012, with refugee status to formally cease by 30 June 2012.
- 17. The paragraphs below elaborate in greater detail UNHCR's recommendation on the applicability of the "ceased circumstances" cessation clauses to the current Liberian refugee population.

D. Applicability of Ceased Circumstances Cessation Clauses to Refugees from Liberia

Rationale and scope of cessation

(i) General

- 18. Both the 1951 Refugee Convention and the 1969 OAU Refugee Convention provide for the cessation of refugee status when positive changes have taken place in the country of nationality (or country of habitual residence) such that the causes of refugee flight no longer exist. The changes that have occurred must be of a fundamental and durable character.
- 19. Cessation is not invoked in an open-ended manner, with the intention of declaring that a country no longer produces refugees. Rather, application of the cessation clauses is generally fixed to specific events, against which "fundamental and durable changes" can be measured. A declaration of cessation should not serve as an automatic bar to refugee claims, either at the time of the declaration or subsequent to it, and asylum-seekers from that country should continue to have their claims fully and fairly considered.

(ii) Rationale

20. Liberia was immersed in civil conflict from 1989 to 2003. The 1989-1996 Liberian “first” civil war, which was one of Africa’s bloodiest, claimed the lives of more than 200,000 Liberians and further displaced at least half a million others to neighboring countries. Peace negotiations led to a ceasefire in 1995, only to be broken the following year. While a final peace agreement and new national elections were held in 1997, bringing Charles Taylor to the presidency, war broke out again in April 1999 when Liberian dissidents attacked north-western Liberia. Fighting between government forces and the newly-formed rebel Liberians United for Reconciliation and Democracy (LURD) spread throughout much of the country. The situation worsened with the appearance of another rebel movement in 2003, the Movement for Democracy in Liberia (MODEL), which launched attacks on border areas. Fighting caused almost continuous displacement, eventually engulfing the capital Monrovia in June 2003 and causing a major humanitarian and human rights crisis. The widespread use of child soldiers, extensive ethnic violence and massive human rights violations were features of this conflict.
21. Fourteen years of war officially ended with the departure from the presidency of Charles Taylor, the creation of a transitional government and the signing of the Comprehensive Peace Agreement (CPA) in 2003. The CPA was designed to create and develop sustainable and lasting peace through the deployment of a United Nations peacekeeping force, the conduct of free and fair elections, the restructuring of the Liberian Army and National Police and the establishment of a number of commissions relating to justice, land and human rights.
22. Following general elections which took place in October 2005, the transitional government, led by interim President Charles Gyude Bryant, handed-over power to the newly-elected legislature and President, Ellen Johnson Sirleaf, who sought to cultivate a climate of confidence and trust among the various Liberian interest groups and the international community. The Truth and Reconciliation Commission (TRC) and the Liberian Lands Commission (LLC) were also established that same year. The TRC was mandated to “investigate gross human rights violations and war crimes, including massacres, sexual violations, murder, extra-judicial killings and economic crimes, such as the exploitation of natural or public resources to perpetuate the armed conflict.”² In addition, the Independent National Commission on Human Rights (INCHR) was also established with, among other responsibilities, a mandate to assist in ensuring action on the TRC’s recommendations.
23. The years 2005 to 2011 have seen significant efforts in fostering human rights protection and the rule of law in Liberia, as well as a steady expansion of the economy and a progressive reduction in the number of United Nations Mission in Liberia (UNMIL) peacekeeping soldiers needed to ensure general security.³
24. Reflecting these positive developments, the greatest part of the Liberian refugee population has returned home. Between October 2004 and December 2011, 169,630 Liberian refugees repatriated, the majority of whom (126,180) assisted by UNHCR.
25. On 11 October 2011, presidential and legislative elections took place, followed by a presidential run-off on 8 November 2011, resulted in the re-election of President Ellen

² See, *Final report of the Truth and Reconciliation Commission of Liberia*. Available at: <http://www.trcofliberia.org/>.

³ UN Security Council Resolution 1885 (2009) Adopted by the Security Council at its 6188th meeting, on 15 September 2009 available at: <http://www.un.org/en/peacekeeping/missions/unmil/resolutions.shtml>

Johnson Sirleaf. International observers found that the presidential elections were conducted in general accordance with Liberia's legal framework, as well as international standards relating to democratic elections.

(iii) Scope of cessation

26. Based on an in-depth analysis of the fundamental developments that have occurred in Liberia over the past eight years, together with consultations with the principal countries of asylum and the country of origin, UNHCR considers that the refugee status of Liberian refugees who fled the country as a result of the civil wars from 1989 to 2003, can now be brought to an end pursuant to the "ceased circumstances" cessation clauses contained in paragraphs 6(A)(e) and (f) of the UNHCR Statute, Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the "1951 Convention"), and Article I(4)(e) of the 1969 Organization of African Unity Refugee Convention (the "1969 OAU Convention").

Legal and practical consequences of cessation

(i) Declarations of cessation and entry into force of cessation

27. UNHCR recommends that States implement during the first half of 2012 all aspects of cessation of refugee status, including exemption procedures, for Liberian refugees who fled their country as a result of the civil wars from 1989 to 2003, with refugee status to formally cease by 30 June 2012. To this end, States should declare cessation of refugee status as soon as possible, including making known to refugees the date of its entry into force, i.e., 30 June 2012. UNHCR is ready to provide technical advice to States in this regard, including in relation to the implementation of the exemption procedures (see paragraphs 29-32 below).⁴

28. The date for the coming into effect of the cessation of refugee status may arrive before arrangements for voluntary return and/or the provision of alternative legal status will have been completed. In such situations, a suspension of cessation could be considered such that persons concerned would continue to benefit from protection as refugees, including protection from *refoulement*, until the pertinent arrangements are fully implemented. Suspension of a cessation declaration would amount to a temporary stay of the decision to cease status, and, consistent with general administrative law principles, should be time-limited. Suspension of the cessation declaration is not to be confused with the suspensive effect of an application for exemption, explained further below.

(ii) Exemption procedures

29. Based on the earlier-cited provisions of the 1951 Refugee Convention and other instruments, and in line with established principles of international refugee law, there are two categories of Liberian refugees falling within the scope of cessation for whom cessation would not apply: (a) those who continue to have a well-founded fear of persecution; and (b) those who have "compelling reasons arising out of previous persecution" for refusing to avail themselves of the protection of the country of origin.⁵

30. UNHCR will work with governments in the countries of asylum and its partners to ensure that the necessary procedures are established to properly receive and decide on any such

⁴ See, UNHCR, *Guidelines on Exemption Procedures in respect of Cessation Declarations*, December 2011, available at: <http://www.unhcr.org/refworld/pdfid/4eef5c3a2.pdf>.

⁵ Article 1C(5) and (6), 1951 Convention.

exemption applications that are lodged. In particular, information campaigns on cessation will need to be carried out.

31. In cases where UNHCR, government counterparts or partners have knowledge of specific individuals who may continue to need international protection, they may affirmatively approach and counsel such persons regarding their right to seek exemption from application of the cessation clauses.
32. A request for exemption has a suspensive effect on the application of the cessation decision. Accordingly, Liberian refugees who have lodged such applications, but whose claims have not been decided by the effective date of cessation, will retain their refugee status pending the outcome of the exemption process, including exhaustion of appeals.

(iii) Asylum seekers

33. Asylum-seekers are generally not covered by the terms of a declaration of cessation. Liberian nationals with pending asylum claims should undergo individual refugee status determination and have their claims adjudicated and determined in a fair and just manner.

(iv) Modalities for the implementation of cessation

34. For countries of asylum that are party to the 1951 Convention and/or the 1969 OAU Convention, national authorities have the ultimate responsibility to establish the modalities for the application of the “ceased circumstances” cessation clauses. Relevant domestic legislation will also be applicable. States should therefore undertake appropriate preparations for the implementation of the cessation of refugee status for Liberian refugees in a transparent manner and as soon as possible. Bearing in mind the supervisory role of UNHCR under paragraph 8 of its Statute in conjunction with Articles 35 and 36 of the 1951 Refugee Convention, Article II of the 1967 Protocol and Article VIII of the 1969 OAU Refugee Convention, UNHCR will provide advice and technical or such other support and resources as may be required by States for the implementation of the cessation clauses.

UNHCR
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