

High Commissioner's Forum

October 1, 2004

(notes by Merrill Smith, U.S. Committee for Refugees)

Opening Statement by Ruud Lubbers

On targeting development assistance, Convention Plus is particularly guided by Millennium Development Goal #8, "developing a global partnership for development." We should promote "the capacity of refugees to contribute to development" and "the targeting of a fair share of development assistance to refugees and refugee-hosting areas." The UN High Commissioner for Refugees (UNHCR) has been looking at the African Union's New Partnership for Africa's Development (NEPAD) and Poverty Reduction Strategy Papers (PRSP) in host countries but the needs of refugees and host communities are "rarely, if ever, reflected" therein. Pilot projects include Uganda's Self-Reliance Strategy and Development Assistance for Refugees (DAR) supported by Denmark for Sudanese refugees in northern Uganda, on which a focus group will meet October 5, and Japan's plan to target assistance to Somali refugees in Ethiopia, including support for return to Northern Somalia.

Refugees from Colombia, especially in Ecuador, should be assisted in a more integrated way with the communities hosting them, through a DAR approach. One of the objectives of the forthcoming Mexico City conference to commemorate 20 years of the Cartagena Declaration is to foster enhanced political will and cooperation in responding to this refugee crisis. A comprehensive approach is needed, focusing on the chain of countries hosting Colombian refugees and addressing refugees' problems associated with prolonged care and maintenance as well as the impact of refugees on host communities.

[UNHCR's generic "Americas" document for ExCom stated: "In Ecuador, UNHCR participated in an interagency mission to the northern border with Colombia, which evaluated the situation in the region in terms of human rights, humanitarian assistance and refugees, social services, poverty, production and employment, environment, public administration and drugs. UNHCR increased its support to host communities with small development projects (QIPs) to facilitate local integration of Colombian refugees."]

EU Commission and three Member States fund the Strengthening Protection Capacity project on "gap analysis," involving donors, hosts, HCR, UN, NGOs, and refugees, focusing initially on Benin, Burkina Faso, Kenya, and Tanzania but hope later to roll it out to more.

The Core Group on irregular secondary movement (ISM) includes Amnesty International, Human Rights Watch, International Catholic Migration Committee, International Council of Voluntary Agencies, and Jesuit Refugee Service. The one on Targeting Development Assistance (TDA) will focus on Japan's work with Somalis in Ethiopia and Denmark's with Sudanese refugees in Uganda. Preparatory work included

Denmark's September 22 meeting in Geneva of UN, World Bank, OECD's DAC, NGOs, and other donors; and a regional workshop on the Zambia Initiative.

South Africa: Some of the root causes of ISM "belong in the area of effective protection." A comprehensive approach could include "multilateral cooperation to enhance protection capacities where refugees and asylum seekers request international protection;" Calls for a definition of effective protection but not just in ISM context.

Netherlands: Convention Plus should move quickly to practical results. General agreement is not an end in itself. On ISM, don't quibble about the definition of "effective protection." We are all stakeholders, not just host and donor countries.

Nigeria: Refugees have a right to a good living; Hosts lack capacity; fundamental rights of refugees are violated... Calls upon hosts to consider local integration... TDA must be complementary, not alternative.

Zambia: Thank those who came to see the Zambia Initiative funded by the U.S., Japan, and Sweden. How do we insure steady, reliable flow of money?

NGOs (Pia Oberoi, Amnesty International): Praises transparency; solutions must include human rights; it should not be about migration control; asylum standards in host countries are poor. "[T]he primary movement of a refugee or asylum seekers continues until such time as the person *has found* effective protection. It is only after this that one is able to speak of a 'secondary movement'." Analyze gaps in protection that cause onward movement:

NGOs have conducted some research into this question, which indicates that the motivation behind such onward movements includes the risk of forced return, the lack of a legal status, the risk of arbitrary detention, and the discriminatory denial of basic economic, social and cultural rights such as the right to work. ...

Protection is not truly effective unless there is a realistic and timely prospect of a durable solution; otherwise it is no more than "warehousing". ...

NGOs support the call of the African group ... to provide an authoritative, rights-respecting and comprehensive definition of the scope and content of "effective protection".

Tom Delrue, Refugee Education Trust:

Refugees who are becoming dependent on assistance forget what a normal life in a normal society looks like and are often left on their own once they are no longer a refugee. This increases the chances of their becoming an economic and/or social burden for the host or home country.

Refugees who are deprived of development oriented solutions risk the loss of their sense of self-esteem and dignity, the chance to solve their own problems, defend their rights and become self-reliant. ...

We warmly welcome the efforts of the donor governments who have already created 'transitional budgets' that close the funding gap between emergency and development, understanding that cost effective development activities for refugees, such as education ... are a long term investment. ...

We would like to urge the donor governments that the protection of refugees is and has to remain UNHCR's main mandate and concern.

Tanzania: ISM is due to the root cause of poverty; resettlement is also a pull factor but thanks Canada and the U.S. for resettlement. Hosts of large protracted refugee situations do not like local integration; it is difficult to manage, requires thousands of hectares of land. We are integrating the Somali refugees because of their similar backgrounds and small numbers. Supports the Development through Local Integration initiative but only for smaller numbers of refugees. Agrees with Ghana on the need for transparency and the involvement of host countries.

Kenya: supports Convention Plus. Kenya, with its 250,000 refugees is among the top five hosts. We always try to abide by the 1951 and OAU Conventions and support resettlement as a tool of protection. Supports the CPA for Somalia. There should not be different standards for different regions.

RL: A generic agreement may be necessary if political will is lacking on the part of development ministries. Lots of development aid is bilateral but we are multilateral.

Discussion of HC's Opening Statement and the *Progress Report*

African Group:

any measure taken under the Convention Plus initiative that undermines in any way the protection of the human rights of refugees is contrary to the purpose of Convention Plus. ... We must ensure that States' political interests do not compromise the rights of refugees. ...

[T]he increased use of resettlement should not be used as a tool of forcing developing countries to integrate refugees locally. Local integration is not a durable solution meant for refugees in developing countries only. ...

[M]ovements in some instances are due to the provision of subsidiary status to asylum-seekers, which poses difficulties in terms of access to the labor markets, family reunification and possibilities to travel.

4. Comprehensive approaches to durable solutions

From the *Information Note: Preparatory project for the elaboration of a Comprehensive Plan of Action for Somali Refugees* under “Objectives and Contents”:

[W]here durable solutions are not immediately available, additional measures may be required to provide better protection and improve assistance to refugees in the main countries of asylum and, in particular, to:

- Address any gaps in protection and assistance at the legislative, institutional and capacity levels;
- Promote refugees’ self-reliance to the extent possible; and
- Improve rehabilitation and development in areas affected by the presence of refugees.

UNHCR’s Department of International Protection’s Strengthening Protection Capacity Project aims to strengthen “capacity to receive and protect refugees as well as to empower them to attain self-reliance” and will cover Kenya and three other African countries and run for a year from July 2004.

Switzerland and the Netherlands’ Survey on onward movement of Somali refugees will focus on Kenya (155,000), Yemen (47,000), and possibly Djibouti (25,500) and Ethiopia (26,400).

David Lambo: The Comprehensive Plan of Action (CPA) for Somali refugees began July 2004. The Intergovernmental Authority on Development (IGAD) has made progress toward setting up a transitional parliament and government in Somalia. To enhance the quality of protection we must identify gaps, impediments, and legislative remedies.

Netherlands: The CPA is one of the 1st concrete manifestations of Convention Plus; we want to integrate it with the EU’s durable solution policy.

From *Making comprehensive approaches to resolving refugee problems more systematic*:

¶12. In light of the need to be more strategic, a more systematic approach to devising CPAs is needed and should initially focus on protracted refugee situations, especially given the high priority UNHCR and States have placed on finding more effective responses to them. ...

¶13. This systematic approach would require UNHCR to institute an annual analysis of all protracted refugee situations with a view to identifying those for which a comprehensive approach would be appropriate either to bring them to an end or to improve protection and bring about durable solutions for a significant number of the refugees concerned. This analysis would provide a contextual

overview of the situation including a demographic analysis, the main causes for the displacement and why it persists, and a review of the availability of durable solutions.

Ruud Lubbers: There are other comprehensive approaches; they need to be more systematic in protracted refugee situations for host countries to review. Sudanese refugees are all over; DRC refugees, 370,000, 70 percent from Kivu, are in 10 countries with 4 million IDPs. Must we wait for a political solution in DRC or can we help facilitate?

There are still 250,000 Burundians in Tanzania from the 1990s, 470,000 from the 1970s, most born in Tanzania. Local integration will have to be mixed with voluntary return and resettlement.

Afghan voluntary repatriation has passed 500,000, more (400,000) from Iran than from Pakistan (100,000). There is a “fourth dimension” of temporary labor migration—this is the “plus” to the tripartite agreement. Afghanistan wants it to extend beyond its immediate neighbors to Central Asia and beyond.

The famous 140,000 Bhutanese in a protracted refugee situation are of a special nature; there is no poverty among them and they have high education. We are in a bilateral process but have no presence in Bhutan. There is resistance to “real” local integration leading to citizenship. These are not closed camps. Host communities need more assistance. Maybe resettlement to other places in the region and beyond are possible but the problem is that it is very bilateral; whenever we put other elements such as resettlement and local integration, it is seen as hurting voluntary return.

CPA is being considered for Myanmar in Thailand but it waits on the peace process. Only when return is an option can local integration be considered. There should be a case-by-case determination whether CPA is appropriate. We need the partnership of all stakeholders. We can start with parts before we get the whole.

Jean-François Durrieux: the paper proposes a methodology so that HCR can play a catalytic role.

Thailand: Protracted refugee situations are unacceptable. Thailand has had one for 30 years. CPAs may not need to be all encompassing but should be flexible. CPAs may not be appropriate but the methodology could help the dialogue.

Iran: Unemployment is high in Iran. There is no need for migrant labor and, if we were to consider it, we would do so only *after* return. Let’s not convert refugees into migrants.

Ruud Lubbers (to Iran): Not all the Afghans came because of persecution; during the Iraq war, they were more valuable. If people are productive, then it does not help to take them out. “As an economist,” jobs are more related to the quality and performance of the worker than to the unemployment rate.

Chair's Summary and closing

Ruud Lubbers: Refugees in protracted refugee situations have become “imprisoned” in a protection in which one can live but no more.