



3211 4th Street NE, Washington, DC 20017

Ph: (202) 541-5402/5404 • Fax: (202) 541-3468 • info@rcusa.org • www.rcusa.org

October 16, 2006

Ambassador Randall L. Tobias
Director of U.S. Foreign Assistance
United States Department of State
2201 C St NW
Washington DC 20520

Re: Foreign Assistance Reform and Refugee Protection

Dear Ambassador Tobias,

Refugee Council USA is concerned about the potential impact on refugee protection of your plans for foreign assistance reform, embodied in the July 11 Foreign Assistance Framework. We seek consultation with you personally and with the leadership of the State Department's new Bureau of Foreign Assistance in ensuring that it fully considers refugee protection in developing this reform agenda.

We share the Department's objective of a more integrated and effective foreign assistance program. Refugee protection is a crosscutting matter of global concern and international responsibility, which by its nature transcends national borders and any single functional area of the Framework.

The tendency to relegate refugee protection primarily to the area of humanitarian assistance has been a key factor contributing to the phenomenon of refugee warehousing, whereby some 8 million of the world's 12 million refugees have languished for years, often decades, without freedom of movement or the right to engage in livelihoods as they await durable solutions. This reduces refugees to near total dependency, not only depriving them of basic rights guaranteed them by international law but also placing a needless burden on their host economies, with negative consequences for both economic development and global security.

The Department could appropriately locate the primary responsibility for refugee protection in the Global or Regional program area in the Framework. To be effective, however, refugee protection also requires a cohesive strategy to integrate refugee rights into all the functions of the Framework and to gear the Framework toward the building of local protection capacity.

A number of our member agencies already have met with the points of contact of various functions and have found them receptive to our concerns. While these meetings have been fruitful and informative, key decision-making power resides with you and the Foreign Assistance Bureau. Accordingly, we request an opportunity to meet directly with you and your staff to discuss this more fully.

Among the issues we would like to discuss are the following:

Humanitarian Assistance. We are pleased to see protection explicitly mentioned in the humanitarian section of Framework. We ask that the Department also integrate protection and human rights into the other functions as well. We would appreciate your assurance that the United States will work to promote the full range of refugee rights—not just *nonrefoulement* and physical protection but *all* the rights guaranteed by the 1951 Convention Relating to the Status of Refugees and other instruments. These include the rights to work, to practice professions, to run businesses, to own property, to move about freely, and to choose places of residence in countries of asylum, and the restoration of dignity and normal livelihoods as articulated in the 2003 Stockholm Conclusions on good humanitarian donorship. The Department should establish standards to assure the adequacy and character of humanitarian action and include these among their criteria.

We cannot achieve refugee protection, however, through humanitarian action alone, and it cannot be the exclusive responsibility of the Bureau of Population, Refugees, and Migration to ensure that other programs and bureaus advance refugee rights. It requires your leadership as well.

Economic Growth. The Framework calls for promotion of market economies and policies conducive to economic growth. This function should explicitly address restrictions on the employment, professional activity, entrepreneurship, and property rights of refugees and other marginalized populations. In some countries, hundreds of thousands of refugees are restricted from participating in the economy. The Department should recognize this not only as a violation of refugees' basic rights but also as a serious and unnecessary constraint on economic growth and development. The accompanying Methodology, however, identifies sources, such as the World Bank Institute, which do not consider restrictions on refugees. The Department should also use other sources including the country updates of the *World Refugee Survey* and the gaps analyses of the Office of the UN High Commissioner for Refugees' Strengthening Protection Capacity Projects in its evaluations and actively promote the elimination of such restrictions.

Governing Justly and Democratically. The Department and the programs under this function should expressly include the human rights of refugees and displaced persons and



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consider adherence to international refugee rights and protection standards in evaluating the extent to which states govern justly and democratically. Unfortunately, the assessment Methodology does not include sources with a consistent record of monitoring the rights of refugees. Again, the Department should consider other sources including those cited above to evaluate human rights protection with regard to refugees. Support for civil society should also include the identification and engagement of representatives from the business, labor, faith, and human rights communities that work in solidarity with refugees and in support of refugee rights.

Investing in People. The duration of the average refugee situation has grown from nine years in 1993 to seventeen in 2003. While long-term asylum for refugees may often be necessary, in many cases refugees should not represent a burden on already poor host countries. Development programs can and should integrate refugees with full rights to participate in the economy and to realize their potential as agents of development. Economic responsibility and opportunity for refugees facilitate the eventual attainment of durable solutions by better preparing them to contribute to the reconstruction of their home country when conditions permit return, or permanently to integrate into countries of resettlement or asylum should those opportunities arise. Keeping refugees segregated and dependent on “care and maintenance,” on the other hand, can cause skills and work habits to atrophy and resentments to fester.

We are pleased to note the inclusion of “vulnerable” populations in the description of this function and understand that the Department means to include refugees in this designation. We hope that you will make this explicit in the final plan, noting that host countries are often reluctant to include refugees in development programs that benefit other vulnerable groups.

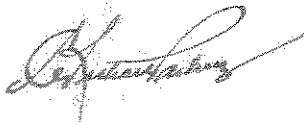
Peace and Security. Genuine peace and security must include durable solutions for the refugees displaced by conflict. The strategic use of resettlement can complement and facilitate comprehensive plans of action that may also include voluntary repatriation and local integration. In the interim, however, warehousing refugees in border camps without any future, prey to recruitment as combatants, and targets for cross-border attacks, diminishes the prospect for peace and security. Military and police authorities in hosting countries from Tanzania to Thailand have arbitrarily imprisoned and deported refugees for attempting to escape camps to pursue livelihoods. The United States should treat such actions as threats to peace and security as well as lapses in good governance.

The Peace and Security function should explicitly include as goals both the attainment of durable solutions for refugees and the full realization of their rights while they remain in exile. We should work with host government to ensure that military and police forces

receiving training and assistance under this function with respect to the rights of refugees to *nonrefoulement* and freedom from arbitrary detention and violence.

Thank you very much for your consideration of these concerns. We look forward to discussing them further with you in the near future. Should you have any further questions or comments, please do not hesitate to contact us.

Respectfully yours,



Richard Parkins
Chair, Refugee Council USA

On behalf of the following organizations:

Hugh Parmer, President
American Refugee Committee

Gerald Lemelle, Deputy Executive Director for Advocacy
Amnesty International USA

Angela Colaiuta, Washington Representative
Center for Victims of Torture

Joseph Kassab, Executive Director, Immigration and Refugees Office
Chaldean Federation of America

Joseph Roberson, Director
Church World Service/Immigration and Refugee Program

C. Richard Parkins, Director
Episcopal Migration Ministries

Tsehay Teferra, PhD, President
Ethiopian Community Development Council



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Gideon Aronoff, President & CEO
Hebrew Immigrant Aid Society (HIAS)

Sky Halvail-Hotrich, Executive Director Washington DC, a.i.
Hmong National Development

Elisa Massimino, Washington Director
Human Rights First

Johan Ketelers, Secretary General
International Catholic Migration Commission

Robert Carey, Vice President, Resettlement
International Rescue Committee

Fr. Kenneth Gavin, S.J., National Director
Jesuit Refugee Service/USA

Ann Buwalda, Esq., Executive Director
Jubilee Campaign USA

Pary Karadaghi, Executive Director
Kurdish Human Rights Watch

Ralston H. Deffenbaugh, Jr., President
Lutheran Immigration and Refugee Service

Sasha Chanoff, Executive Director
Mapendo International

Mark Franken, Executive Director
Migration and Refugee Services/U.S. Conference of Catholic Bishops

Huy Bui, Executive Director
National Alliance of Vietnamese American Service Agencies (NAVASA)

Doua Thor, Executive Director
Southeast Asia Resource Action Center (SEARAC)



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Lavinia Limón, President & CEO
U.S. Committee for Refugees and Immigrants

Carolyn Makinson, Executive Director
Women's Commission for Refugee Women and Children

Joseph Paschal, Director of U.S. Operations
World Relief