

6 Rethinking durable solutions

It is not acceptable, former High Commissioner Ruud Lubbers said in 2001, that refugees spend years of their lives in confined areas.¹ Yet the political failure to find durable solutions for refugees leads to precisely the kinds of protracted situations that degrade the displaced. Unable to return to their homeland, settle permanently in their country of first asylum or move to a third state, many refugees find themselves confined indefinitely to camps or holding areas, often in volatile border zones.² Such restrictive conditions are a denial of rights under the 1951 UN Refugee Convention and a waste of human talent.³ Furthermore, the prevalence in prolonged refugee situations of idleness, aid-dependency, a legacy of conflict and weak rule of law can induce fresh cycles of violence, threatening human security.⁴ With more than 6 million refugees stranded in a ‘long-lasting and intractable state of limbo’ at the end of 2004, it is imperative that the search for durable solutions be intensified.⁵

Three durable solutions—voluntary repatriation, local integration in the country of first asylum or resettlement in a third country—are the options available for the permanent resolution of the ‘refugee cycle’. All three are regarded as durable because they promise an end to refugees’ suffering and their need for international protection and dependence on humanitarian assistance.⁶ The search for durable solutions has been a central part of UNHCR’s mandate since its inception. The organization’s statute commands the High Commissioner to seek ‘permanent solutions for the problem of refugees by assisting Governments . . . to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities’.⁷ However, the role of the three durable solutions and the relative priority accorded to each has changed with time.

The search for durable solutions

During the Cold War and the national-liberation struggles of the 1960s and 1970s, those who fled communist regimes and colonial oppression were granted refugee status on the assumption that repatriation was not an option. Resettlement and local integration were generally regarded as the most viable and strategically desirable durable solutions. With the demise of communism and colonialism,

however, repatriation became more realistic and attractive for states. Furthermore, the increase since the 1980s in migration from poor to rich countries and the growing association of refugees with migrants fleeing poverty have added to the reluctance of wealthy nations to offer resettlement.⁸ As for southern states, in the aftermath of economic adjustment and democratization most of them have been less willing to support local integration. This is in contrast to the situation in the 1960s and 1970s when, in Africa, for instance, rural refugees were allowed a high level of *de facto* local integration.⁹

Consequently, repatriation is now often regarded as the most desirable durable solution—provided that return is genuinely voluntary and sustainable. The 1990s became the decade of repatriation: more than 9 million refugees returned home between 1991 and 1996. However, returns under pressure from host governments—particularly the 1996 return of Rwandan refugees hosted by Zaire (now the Democratic Republic of Congo, or DRC) and Tanzania—have raised fresh questions about the degree of voluntariness and the role of compulsion in ‘imposed return’.¹⁰ Moreover, arguably premature repatriations to the former Yugoslav republics and Afghanistan in the early 2000s have renewed debate on sustainable reintegration and its relationship to post-conflict reconstruction.

The recognition, on the one hand, that voluntary repatriation is not always possible and, on the other, that indefinite encampment is unacceptable has led to a profound review of the three durable solutions and how they relate to one another. The need to avoid human degradation while simultaneously safeguarding voluntariness has spurred the development of new methods and approaches.

The period covered in this book saw the culmination of a cycle of reflection within UNHCR on the use of durable solutions, with the debate reinvigorated by new initiatives. The Global Consultations on International Protection with states, academics, NGOs and refugees resulted in the publication of an Agenda for Protection which stressed the need to redouble the search for durable solutions. To further these aspirations, UNHCR and partner states published a Framework for Durable Solutions for Refugees and Persons of Concern (hereafter referred to as the Framework for Durable Solutions). This elaborated the ‘4Rs’: Repatriation, Reintegration, Rehabilitation and Reconstruction, as a process that would bridge the gap between relief and development. It also emphasized the two related concepts of Development Assistance for Refugees and Development through Local Integration.

Subsequently, durable solutions were placed within the context of a multilateral dialogue, which is referred to as the Convention Plus initiative. This led, most notably, to agreement by a range of resettlement and host states on a Multilateral Framework of Understandings on Resettlement. In light of these innovations, this chapter explains UNHCR’s new approaches to durable solutions in three areas: first, the targeting of development assistance; second, migratory movements; and third, resettlement. It concludes by discussing the multilateral and political context in which UNHCR has tried to facilitate international cooperation to improve access to durable solutions.

Figure 6.1 Top 10 voluntary repatriation movements, 2004

TO (Country of origin)	FROM (Main countries of asylum)	
Afghanistan	Islamic Rep. of Iran	515,000
	Pakistan	424,000
	Other	760
	Total	939,760
Iraq	Islamic Rep. of Iran	57,000
	Lebanon	1,500
	Other	135,000
	Total	193,500
Burundi	United Rep. of Tanzania	89,000
	Dem. Rep. of Congo	880
	Other	400
	Total	90,280
Angola	Zambia	47,000
	Dem. Rep. of Congo	34,000
	Namibia	8,800
	Other	850
	Total	90,650
Liberia	Guinea	22,000
	Côte d'Ivoire	17,000
	Sierra Leone	15,000
	Ghana	1,900
	Other	910
	Total	56,810
Sierra Leone	Liberia	13,000
	Guinea	12,000
	Other	690
	Total	25,690
Somalia	Ethiopia	9,500
	Djibouti	8,500
	Other	110
	Total	18,110
Rwanda	Dem. Rep. of Congo	11,000
	Uganda	2,600
	Other	740
	Total	14,340
Dem. Rep. of Congo	Burundi	11,000
	Central African Rep.	2,000
	Other	670
	Total	13,670
Sri Lanka	India	9,900
	Other	110
	Total	10,010

Note: Figures are based on country of origin and asylum reports.

Source: UNHCR.



Returnee woman at a sewing workshop in Jalalabad, Afghanistan. (UNHCR/M. Shinohara/2004)

Targeting development assistance

Humanitarian assistance and development have usually been seen as distinct areas of national and global governance. However, the gap between refugee- and returnee-assistance programmes and long-term development efforts is a central hurdle in the way of both sustainable repatriation and the promotion of local integration. In this context, drawing on the ideas in the Agenda for Protection, the Framework for Durable Solutions has emerged as a means to better integrate refugees into development planning.¹¹ It has two explicit aims. The first is to improve international burden-sharing to build refugee-protection and reception capacities in

developing states; the second, to improve access to durable solutions. To meet these goals, it sets out a series of concepts related to the targeting of development assistance. These focus on two areas: states of origin, and host states of asylum within regions of origin. In both cases, the principle of government ownership of the projects is paramount.

States of origin

With respect to states of origin, the 4Rs concept of repatriation, reintegration, rehabilitation and reconstruction focuses on improving the sustainability of repatriation. It does this by fostering the capacities and institutional partnerships necessary to ensure the smooth transition from emergency relief to long-term development. Its premise is that repatriation must involve more than transferring refugees across the border; rather, it must strive to create an environment conducive to sustainable return. To succeed in this task it must nurture partnerships with a range of government and development actors. As stipulated by UNHCR's Executive Committee in 2004, it is crucial to ensure that appropriate levels of security, social services and economic opportunity are available to returnees.¹² The idea of addressing the gap between relief and development builds upon the partnerships between UNHCR, the World Bank, UNICEF, UNDP, ILO and WFP. It also ties in to the EU's approach linking relief, reconstruction and development.¹³

The 4Rs concept is now fairly uncontroversial. It simply combines the notion of voluntary repatriation with the idea of post-conflict reconstruction. The latter has been part of mainstream development discourse since the late 1990s. States of origin rarely pose objections to return, while asylum states are keen to emphasize it as the ideal durable solution. For their part, donor states often have specific economic and political interests in reconstruction. As a consequence, major development agencies already have mechanisms focusing on post-conflict reconstruction. Almost everyone is receptive to the idea; the challenge is to build a framework for institutional collaboration to ensure smooth implementation.

There has been significant progress in establishing such a collaborative framework covering various UN agencies. Furthermore, discussions between UNHCR and the World Bank have looked into overlaps between the 4Rs and the Bank's programmes for post-conflict situations and low-income countries. As a result of inter-agency collaboration and commitment by donors, it has been possible to apply the 4Rs in Afghanistan, Sierra Leone and Sri Lanka. In each case, the UN country team has tried to lead a process of integrated planning in relation to return.¹⁴

The case of Liberia shows how the 4Rs can improve the prospects for sustainable repatriation. Following the end of the 14-year civil war in the country and the exile of former dictator Charles Taylor in 2003, UNHCR began to organize the return of some 320,000 refugees from neighbouring states. The implementation of tripartite agreements between UNHCR, the Liberian Transitional Government and the neighbouring host states began in October 2004. An operations plan for return and

reintegration is expected to run until 2007. In order to facilitate reintegration, more than 30 community projects are being implemented in the counties of Bong, Grand Gedeh, Montserrado and Nimba. Given the scale of destruction during the conflict, the projects aim to rebuild local infrastructure, water supplies, schools and sanitation. To ensure local and national ownership of the projects, receiving communities and returnees participate in the planning process. Furthermore, proposals are submitted to district development committees and incorporated within national transition strategies.

The Liberian example demonstrates the extent to which UNHCR's search for durable solutions is drawing on a range of implementing partners, including NGOs. An example of the latter is the Environmental Foundation for Africa, which has been conducting workshops on environmental rehabilitation.¹⁵ Reintegration in Liberia has also drawn upon another innovation related to the 4Rs, the concept of Disarmament, Demobilization, Rehabilitation and Reintegration. Developed by the UN's Department of Peacekeeping Operations as a programme for ex-combatants, it seeks to ease the transition from conflict to peace in a manner conducive to sustainable return. It is particularly important in West Africa, given the number of refugees and internally displaced persons in the region who were combatants or child soldiers.

Host states

While the long-term confinement of refugees to camps and closed settlements is a severe restriction of their rights, it is important to acknowledge the concerns of host states as well. Receiving countries need help to overcome the political and economic obstacles that prevent them from finding alternatives to confining refugees within camps. These states need to be assisted and encouraged to allow refugees greater freedom of movement, access to social services and the right to earn a living. In this context, the two key concepts set out in the Framework for Durable Solutions are Development Assistance for Refugees and Development through Local Integration. Both recognize that refugees need not inevitably be perceived as a burden but could, in the right circumstances, be agents of development.

The concept of Development Assistance for Refugees covers additional development assistance to countries hosting large numbers of refugees; promotion of a better quality of life and self-reliance for refugees pending durable solutions; and a better quality of life for host communities. In other words, it is about empowering the productive capacities and self-reliance of refugees as well as supporting host-country and local-community development. The concept is similar to Development through Local Integration. The latter, however, relates to situations in which the host state provides the opportunity for gradual integration of refugees. Here, additional development assistance would facilitate refugees' economic self-reliance, socio-cultural integration and access to legal rights, culminating in citizenship.¹⁶

In contrast to the principles behind the 4Rs, on which consensus has come relatively easily, discussions on the last two concepts have advanced more slowly. Whereas repatriation is widely accepted as the most desirable durable solution, local integration

is more likely to be resisted by host states. Receiving countries usually have strong concerns about the economic, political, environmental and security implications of moving beyond encampment.¹⁷ Fostering the conditions in which those concerns can be addressed, and at the same time reducing the confinement of refugees to camps, depends on international cooperation and inter-agency coordination.

Development Assistance for Refugees promotes self-sufficiency through local interaction and the provision of services for refugees. While not necessarily according refugees full citizenship, it allows freedom of movement and access to land or employment, provides for education, health facilities and housing, and creates opportunities to form social networks beyond the immediate community. It may ultimately promote repatriation by better equipping refugees with the skills and autonomy they need to return home. That was the case with Angolan refugees in Zambia, whose contribution to the local economy was widely acknowledged. Though they had the right to free movement and to earn a livelihood on land provided by the state, many returned home once conditions there improved.¹⁸

Both Development Assistance for Refugees and Development through Local Integration build on the legacy of UNHCR's attempts in the 1980s to promote local integration by using development assistance as a burden-sharing tool. Partnerships between UNHCR and development agencies such as UNDP were promoted to help African states host the large refugee populations in their rural areas.¹⁹ The linking of development with local integration also builds upon the experience of UNHCR in Mexico during the 1990s, when a multi-year rural-development programme supported the integration of Guatemalan refugees in the states of Campeche and Quintana Roo. These were one-off applications, but UNHCR is now trying to apply a broad collaborative framework across the UN system.

Development through Local Integration is part of the Zambia Initiative, which supports the host government's policy of local integration for Angolan refugees (see Box 6.1).²⁰ In Serbia and Montenegro, UNHCR has collaborated with the government and other partners to provide housing, micro-credit facilities and vocational training to locally settled refugees displaced by conflict in the Balkans.²¹ Development Assistance for Refugees has most notably been applied to Uganda's Self-Reliance Strategy (see Box 6.1).²² These cases have been used to demonstrate the potential of targeting development assistance with a focus on host states.

All these initiatives attempt to build on the existing activities of states and organizations. Denmark, for instance, has its own strategy to promote Development Assistance for Refugees. It has agreed to assist Sudanese refugees in northern Uganda to support the host country's self-reliance strategy. Japan, as part of its Trust Fund for Human Security initiative, has agreed to provide development assistance to encourage self-reliance among Somali refugees in Ethiopia.²³ Meanwhile, in 2004 Ecuador emerged as a possible recipient of Development Assistance for Refugees; the UN Assessment Mission to Ecuador's Northern Border Region recommended including Colombian refugees within development plans for the north of the country.

Box 6.1

The Zambia Initiative and the Ugandan Self-Reliance Strategy

The Zambia Initiative and the Ugandan Self-Reliance Strategy exemplify the potential to integrate refugees into national-development plans. They demonstrate that it is not inevitable that refugees will be perceived as burdens that need to be confined to camps or closed settlements. Instead, these cases in Zambia and Uganda highlight the role refugees can play as active agents of development, contributing to the economy and society of the host state. The Zambia Initiative represents the most salient case study for the implementation of Development through Local Integration, while the Ugandan Self-Reliance Strategy shows how interim self-sufficiency can be developed prior to repatriation.

The Zambia Initiative

Due to the longstanding nature of the Angolan civil war, Angolan refugees have been present in Zambia's Western Province for more than 30 years. The local authorities have routinely provided between 6 and 12 fertile acres on which refugees can grow crops. This has allowed the majority of refugees in, for example, Mayukwayukwa and Meheba settlements to become self-sufficient in food and end their dependence on World Food Programme rations. They have also been able to sell their produce in nearby towns and even as far away

as Lusaka, thanks to 30–60 day travel passes provided by the authorities. The refugee populations have therefore lived alongside their local hosts for many years. The significance of these refugees' contribution to the local community is highlighted by the collapse in food production in western Zambia after the repatriation of 220,000 Angolans in 2002.

In June 2001, a joint UNHCR and United Nations Office for Project Services mission to Zambia's Western Province explored the possibility of addressing the needs of the host population as well as refugees in the area. After discussions with major donors, partners and stakeholders, it recommended an integrated approach to infrastructure and socio-economic development in refugee-hosting areas that would build upon initiatives already underway in the province. Besides helping host communities, such an approach would be more likely to contribute to an enabling environment and security for refugees. UNHCR has coordinated and monitored the initiative since its inception in 2002.

The initiative rests on two pillars: poverty reduction, with priority given to agriculture, health, education and infrastructure; and empowerment of refugees and their local integration for a durable solution. Progress was to

be reviewed every three months. The project sought to address the strain on local resources and the food deficit which has emerged since 2002 to allow the province to continue to host and integrate refugees while benefiting the local population. The focus of the initiative has been on small-scale, community-based development projects such as wells, food-storage silos, health facilities and rural-credit schemes.

Through the Zambia Initiative, refugees have been integrated within the government's National Development Plan and its poverty-reduction strategy. The initiative has attracted resources through its concept of flexible funding, which allows donors to contribute in line with their own priorities and budget lines. The main contributions have come from Denmark, Sweden, Japan, the United States and the European Union. They total more than US\$14 million and benefit some 456,000 people, including 150,000 refugees.

Uganda's Self-Reliance Strategy

Uganda has been hosting refugees since the 1940s. Despite never having formally adopted refugee legislation, a policy of local settlement has

Donor trends

The main obstacle to promoting the widespread application of Development Assistance for Refugees has been the reluctance of donor states to provide more resources. For their part, many southern host states fear that aid destined for them would be diverted to assist refugees. The debate has been somewhat polarized, with host states fearing that initiatives to provide Development Assistance for Refugees are an attempt to shift the burden to regions of origin. In 2004, UNHCR's Executive Committee concluded that assistance to refugee populations and host communities to promote self-reliance is one element of a burden-sharing

been in place since the arrival of these early refugees. It is estimated that the government has made more than 3,300 square kilometres of land available to refugees for settlement on the basis of 'right of use for the time that they are in exile'.

The government has attempted to promote self-reliance and local integration by allowing refugees to grow their own crops on the small plots of land provided. Since the influx of nearly 200,000 Sudanese refugees in the late 1980s, it has made large amounts of land available in the northwest Nile Region. When compared with refugees confined to camps, many of those in the settlements have achieved a relatively high degree of free movement and food self-sufficiency. For instance, refugees in the Kiryandongo settlement in northeastern Uganda achieved self-sufficiency by 1995, allowing the phasing-out of food distribution.

Recognizing the role that refugees can play in the development of their own and their host communities, in 1998 the Government of Uganda and UNHCR established the Self-Reliance Strategy. Focusing on the districts of Adjumani, Arua and Moyo in the West Nile region, its goal was to improve the standard of living of all

people—including refugees—in those districts. The principal goals of the project were to empower refugees and nationals in the area to support themselves and to integrate services for the refugees with those for nationals. The 1999–2003 strategy planned to phase out all food assistance by 2001. By 2003, it was forecast, the refugees would be able to grow or buy their own food, have access to and pay for basic services, and maintain self-sustaining communities.

The mid-term review of the project, in 2004, revealed the initiative's positive impact and its limitations. The review noted that there had been an increase in food production by both refugees and the local host communities. In certain areas of Adjumani, such as Mogula, where the land is very fertile, surveys suggested that up to 90 per cent self-sufficiency had been achieved, allowing food distribution to be phased out in a number of settlements. Self-sufficiency had also increased the range of foods available. Meanwhile, the integration of refugee children into Uganda's Universal Primary Education initiative had promoted social cohesion and refugees' interaction with host communities. Limited facilities were provided to support youth training in carpentry or brick

laying, for example, in Rhino camp in Arua. The review also pointed to improvements in healthcare and water safety.

However, despite these achievements, the review makes clear that the four-year schedule to make the refugees self-reliant was overly ambitious. The small plot sizes and poor soil quality in certain areas have meant that some refugees continue to depend on food rations. This is particularly the case in Arua, where refugees are mainly settled in the Nile Basin area and face irregular rainfall and poor soil. In Adjumani and Moyo districts, soil exhaustion and bad farming practices have had the same results.

The lessons learnt from the project could be applied in the ongoing transition from self-reliance to Development Assistance for Refugees. As part of its strategy to assist refugees in their region of origin, the Danish Government has taken a lead role in the programme. Consequently, it is envisaged that UNHCR will play the part of facilitator, rather than actively coordinating assistance. For its part, the Ugandan government has responded to the mid-term review by seeking to include a wider range of stakeholders and development partners in the existing process.

framework. According to the committee, this could be developed in the context of an international response, particularly to protracted refugee situations.²⁴

The inability of donor states to provide new resources is partly attributable to the separation at government level of development and refugee issues. A crucial task for UNHCR, therefore, has been to mobilize donor commitments to support the Framework for Durable Solutions and encourage greater coordination across the branches of national government. In this regard, a number of bilateral and multilateral donor initiatives that look at refugees within a development context

have emerged. For example, the World Bank's focus on post-conflict reconstruction is particularly relevant to the 4Rs. Meanwhile, European Union funds for cooperation on migration issues have supported UNHCR's Strengthening Protection Capacity Project.²⁵

The commitments of states to the United Nations' Millennium Development Goals are also relevant to the search for durable solutions, given that the levels of human development of refugees often fall below those of non-refugees. Millennium goals such as the eradication of extreme poverty, universal access to primary education, gender equality and reductions in infant mortality are very germane to the need to focus resources on refugees.²⁶

The 2002 Monterey Financing for Development Summit saw a number of pledges by states and international organizations to increase financial and technical cooperation for development. In particular, it reiterated the central role of official development assistance (ODA) for states with the lowest capacity to attract private direct investment. It also pointed to the need to target assistance more effectively, and aspired to commit at least 0.7 per cent of the GDP of industrialized states to ODA.²⁷ In 2005, the Summit on the Millennium Declaration and the G-8 discussions on British Prime Minister Tony Blair's Africa Plan for trade, aid and debt relief highlighted opportunities to mobilize resources. Following the Gleneagles Summit, G-8 countries pledged to increase the overall aid to developing countries by US\$50 billion, doubling the aid for Africa by US\$25 billion by 2010. In this regard, promoting the productive capacities of refugees and placing security issues within a displacement context could prove to be an extremely effective means of garnering wider development assistance.

Inter-agency collaboration

The UNHCR 2004 review process highlighted the growing links between peace, security, development and humanitarianism.²⁸ Given this complex inter-connectedness, UNHCR cannot do everything alone. But it has an important role in advocacy and coordination. In implementing the goals of the Framework for Durable Solutions, UNHCR is not aspiring to become a development agency. Rather, it seeks to act as a catalyst, creating the collaborative framework under which other actors can better assist the displaced.

In this context, UNHCR has fostered a number of inter-agency partnerships. Most significantly, it has joined the United Nations Development Group (UNDG). Created by UN Secretary-General Kofi Annan in 1997, the group seeks to improve the effectiveness of development work at the country level. In 2004, the group adopted a Guidance Note on Durable Solutions for Displaced Persons that stresses the need for UN country teams to consider the search for durable solutions for displaced persons.²⁹ UNHCR collaborates with the Organization for Economic Cooperation and Development, especially with regard to post-conflict development cooperation, and with the World Bank. In the latter case, it advocates more systematic inclusion of

population displacement in the Bank's poverty-reduction strategies.³⁰ These initiatives highlight the importance of mainstreaming the needs of the displaced across the UN system, particularly within a development context.

Secondary movement

As asylum can no longer be entirely disconnected from more general migration issues, UNHCR must deal with the so-called asylum–migration nexus. In the context of industrialized states' growing interest in managed migration and the emergence of exclusion and deterrence policies, UNHCR faces the challenge of protecting *bona fide* refugees within broader migratory movements. Ironically, the current debates on migration control may offer new opportunities in the search for durable solutions for refugees.

An incentive for engagement

A number of EU states, in particular, have begun to make the case that the current spontaneous-arrival asylum system fails to meet the needs of the most vulnerable refugees. The majority of these, it is asserted, remain in their region of origin, without the means to use human smugglers to reach the rich North. The link between spontaneous-arrival asylum in rich countries and the absence of durable solutions in poorer ones is uncertain. But statistics on the origins of asylum applicants in industrialized states imply that a large proportion are fleeing protracted refugee situations in host states in the region of origin. Indeed, a Swiss Migration Forum study of onward secondary movement of Somali refugees reveals that many of them do not wish to move beyond the region of first asylum, but protection issues, lack of social amenities and confinement to camps force them to.³¹ This has led to a growing debate over the causes of onward secondary movement. Questions have arisen, for instance, on the circumstances under which it would be legitimate to undertake a secondary movement from the first country of asylum in the region.

Strengthening protection capacities in regions of origin

Restricting the rights of refugees and delaying the attainment of durable solutions cause frustration and tension among refugees and in the host community. In such situations refugees, in particular women and children, become more vulnerable to various forms of exploitation such as trafficking and forced recruitment, and may develop a long-term dependence on humanitarian assistance. Often the result is the marginalization and isolation of refugees, which can lead to an increase in irregular movements and even to security and stability problems for the host state and other states in the region.

As such, states' interests in resolving the issue of onward secondary movement can best be met by providing effective protection in regions of origin. Starting from the premise that northern states are eager to reduce the need for onward movement, the Convention Plus initiative links this to the need to resolve the underlying causes of such movement through international cooperation.³² It recognizes that many secondary movements are caused by the absence of secure legal status, the non-availability of long-term durable solutions, and the absence of educational or employment opportunities. Solving the problem of secondary movements, it is argued, will require a cooperative framework to strengthen protection in states of first asylum.³³

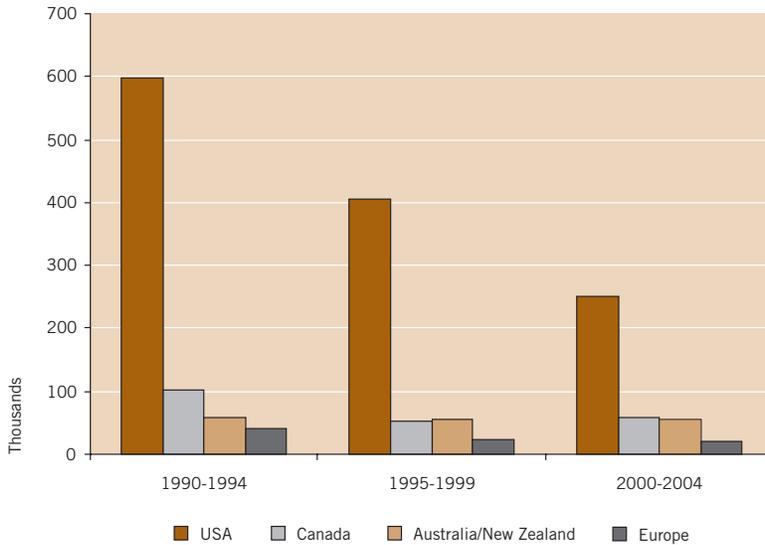
Among donors, the European Union and the Netherlands have taken the lead in trying to improve protection capacities within regions of origin. Notably, the EU's 2004–08 budget for external cooperation on migration issues has been expanded to €250 million. In 2004, a small part of this budget was allocated to UNHCR's Strengthening Protection Capacity Project. This one-year scheme focuses on Kenya and Tanzania as states with protracted refugee situations, and Benin and Burkina Faso as emerging resettlement countries.³⁴

Labour migration: a durable solution?

In political debate in industrialized states, asylum is generally seen within the wider context of immigration. The asylum–migration nexus is therefore increasingly perceived as a largely disaggregated flow in which asylum claimants are tarnished as bogus. What this view ignores is that migrants can represent productive and enterprising people. The contribution that they can make, whether as refugees or otherwise, depends on their integration within a host society. In this regard, the Declaration of The Hague on the Future of Refugee and Migrant Policy, the culmination of an initiative that coordinated the views of more than 500 people involved and interested in refugee issues, sets out 21 principles to advance the refugee and migration agenda. In particular, the declaration pointed to the need to recognize that managed migration could be in everyone's interests.³⁵

Many of the industrialized states now expending vast resources on excluding and deterring asylum seekers will face labour shortages in the future as life expectancies rise and birth rates decline. This paradox may provide a key to improving access to durable solutions not only in a northern context, but also in terms of promoting solutions in the South. For example, UNHCR has begun to explore the possibility that temporary labour-migration visas might be made available to Afghan refugees in Pakistan and Iran. Such an approach highlights the need for the implications of the asylum–migration nexus to be fully explored in the search for durable solutions.

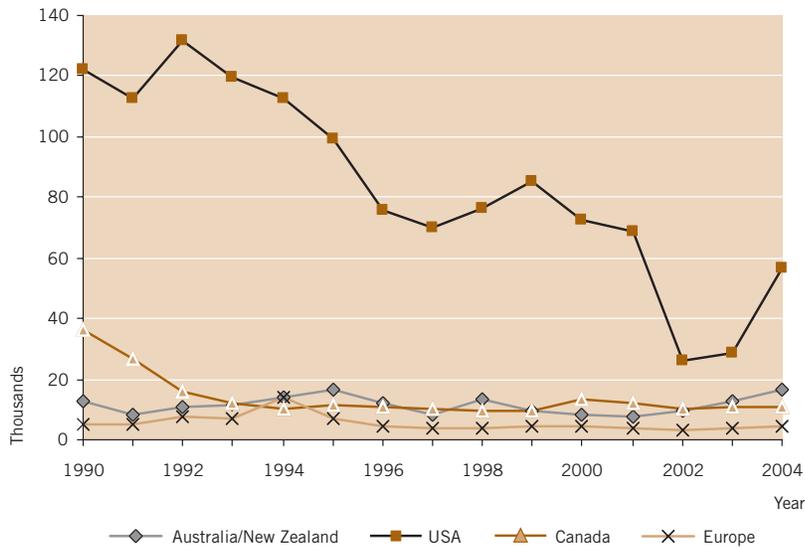
Figure 6.2 Total number of arrivals of resettled refugees in industrialized countries, 1990-2004



Note: Europe here refers to Denmark, Finland, Iceland, Ireland, the Netherlands, Norway, Sweden and the United Kingdom.

Source: Governments.

Figure 6.3 Number of arrivals of resettled refugees in industrialized countries, 1990-2004



Note: Europe here refers to Denmark, Finland, Iceland, Ireland, the Netherlands, Norway, Sweden and the United Kingdom.

Source: Governments.

Resettlement

Resettlement may be defined as the transfer of refugees from a state in which they have initially sought protection to a third state that has agreed to admit them with permanent-residence status.³⁶ Until the mid-1980s, resettlement was generally seen by states as the preferred durable solution. In the aftermath of the Second World War it was the primary means by which the International Refugee Organization and, later, UNHCR provided solutions for the displaced. It was used to resettle nearly 200,000 refugees following the 1956 Hungarian revolution, more than 40,000 people expelled from Uganda by Idi Amin in 1972, and 5,000 Latin American refugees facing *refoulement* from Augusto Pinochet's Chile in 1973. Perhaps most notably, resettlement was used to address the problem of the Vietnamese 'boat people', of whom nearly 2 million were resettled as a result of the 1989 Comprehensive Plan of Action (CPA) for Indochina. Yet despite the example of the CPA, resettlement elsewhere was limited to the often-unfilled quotas of a handful of traditional resettlement states. By the 1990s, repatriation had taken centre stage.³⁷

However, since the end of the CPA in 1995 there has been ongoing reflection and reassessment of the role of resettlement. Following UNHCR's 1994 Evaluation Report on Resettlement Activities, the Working Group on Resettlement was formed that same year, and shortly afterwards UNHCR's Annual Tripartite Consultations (ATC) on resettlement began. These consultations have become a forum in which resettlement countries, NGOs and UNHCR share information and develop joint strategies to address resettlement needs. Alongside the ATC, the Working Group began to reassess the role of resettlement and promote the emergence of new resettlement countries and the expansion of quotas. As a result, the global resettlement quota grew to nearly 100,000 by 2001. Among the new resettlement countries to emerge are Argentina, Benin, Brazil, Burkina Faso, Chile, Iceland, Ireland, Spain and the United Kingdom.

Policy and practice in relation to resettlement have therefore undergone significant changes in recent years. The strategic use of resettlement and new operational methods such as group identification and processing are enhancing resettlement's traditional function of protection. These innovations have been consolidated within the Multilateral Framework of Understandings on Resettlement, agreed in June 2004.

The functions of resettlement

Resettlement formed a central component of the Global Consultations. In the context of a comprehensive strategy to enhance international protection, discussions on resettlement highlighted that it has three central functions. Its first—and traditional—role is as a tool of international protection for individual refugees. Second, it may serve as a durable solution. This reflects acknowledgement

that resettlement can be used alongside other durable solutions as part of a comprehensive strategy to overcome protracted refugee situations. Finally, resettlement may be an expression of international solidarity. Resettlement by third states represents a commitment to a more equitable sharing of responsibility for protection with the developing countries that host the majority of the world's refugees.³⁸

However, questions remain about resettlement and its relationship to the other durable solutions. On the one hand, it may be seen as a symbol of extra-regional states' willingness to share responsibility; on the other, it may represent a disincentive to repatriation by encouraging some refugees to remain in the host state hoping to be resettled.

The strategic use of resettlement

The three complementary functions of resettlement—as a protection tool, a durable solution and an expression of international burden-sharing—would indicate that it is most effective when applied as part of a comprehensive approach to international protection. Indeed, it was in the broader multilateral context of the Convention Plus initiative that the Core Group on Resettlement was created. The group drafted the Multilateral Framework of Understandings on Resettlement, building on the prior initiatives of the Working Group on Resettlement and the Global Consultations on International Protection.

In recent years more emphasis has been placed on the strategic use of resettlement. This conceives of 'the planned use of resettlement that maximizes the benefit of resettlement, either directly or indirectly, other than to those being resettled. Those benefits accrue to other refugees, the host States, other States, and the international protection regime in general'.³⁹ Such strategic use of resettlement acknowledges that it is likely to be most effective when applied alongside the other durable solutions in situation-specific plans of action. For example, this might apply when a small group represents a stumbling block in the way of peace negotiations or a wider repatriation agreement. Here resettlement, even of small groups, may serve as a catalyst in leveraging other solutions.

The group methodology

Aside from presenting many of the general principles underlying resettlement, the Multilateral Framework also elaborated the role of the Group Methodology, developed in 2003 to enhance the use of resettlement. Group resettlement covers not only specific vulnerable individuals, but also groups that are in protracted refugee situations. By focusing on a section of the refugee population on the basis of identity characteristics such as clan, ethnicity, age or gender, for example, it may enhance the search for durable solutions. It would benefit not only the group

Box 6.2

Afghanistan—a complex transition

In mid-2001, the prospects for progress in one of the world's largest and most complex refugee problems were remote. The extremist policies of the Taliban regime, deepening poverty and a crippling three-year drought had generated a major internal displacement problem and driven new population flows across Afghanistan's borders. The new exodus added to the estimated 6 million Afghans that had fled to neighbouring countries since 1980. Moreover, disillusioned by the state of their homeland, increasing numbers of Afghans had left the region and sought asylum throughout the world.

Given such unpromising circumstances, few would have imagined the dramatic change in Afghanistan's fortunes that 12 months later propelled one of the largest repatriation movements in modern history. By the end of 2002, well over 2 million Afghans had returned home from Pakistan and Iran. The repatriation continued throughout 2003 and 2004, with figures passing the half-million mark each year. At the same time, the return of internally displaced persons gathered pace and secondary movements beyond the region declined sharply.

Perhaps the most influential factor behind this remarkable turnaround was the growing confidence that flowed from international re-engagement in Afghanistan. The Bonn Agreement of December 2001 provided a political road map and timetable that presented the most persuasive opportunity for peace and reconciliation in more than a decade. It was underpinned by strong expressions of donor support for economic and social reconstruction at the Tokyo conference on Afghanistan in February 2002. Taken together, these moves renewed interest in the search for a solution to what had seemed an intractable refugee situation.

The huge repatriation movements since 2002 have partially alleviated a humanitarian concern that has persisted for more than two decades. They also provided valuable opportunities for political cooperation between Afghanistan and its neighbours on an issue that has been a source of considerable regional tension. Currently,

the legal and operational framework for the management of voluntary repatriation is provided for by tripartite agreements which are serviced by regular working-level meetings. The confidence-building these exchanges permit will be critical to ensuring continued progress as the full consequences of the protracted displacement from Afghanistan become apparent.

The Governments of Pakistan and Iran, the two countries most affected by the presence of Afghan refugees, have long insisted on repatriation as the preferred solution. They have been steadfast in their opposition to local integration, especially in view of the large numbers involved. At the same time, they have implicitly acknowledged that the nature and composition of the Afghan populations on their territory has changed. Indeed, even before the fall of the Taliban both governments had periodically asserted that Afghans were predominantly economic migrants rather than refugees. They are also aware that long-established Afghan communities have formed close links with their host societies and have considerably expanded pre-conflict patterns of seasonal labour migration.

While the emergence of a recognized government in Afghanistan has partially removed an important obstacle to solutions at the inter-state level, serious economic, social and security concerns remain. These are of a magnitude that may take many years to overcome, and their solution will depend primarily on the establishment of a politically and financially viable state. The problems are reflected in the pattern of return to date, with comparatively few Afghans choosing to return to the south, southeast and central highlands, areas that are especially troubled by insecurity, drought and poverty. Moreover, long exposure to higher standards of living and better public services and employment opportunities have had a profound impact on long-staying Afghan communities in general, and the younger generation in particular. There is reluctance, both among those who are very poor and the comparatively better off, to return to a

country where socio-economic indices are still among the lowest in the world, and where protection and human rights concerns persist.

Recognizing that tensions would eventually emerge over the scope and duration of the agreements on voluntary repatriation, UNHCR launched a policy initiative in mid-2003 to explore more comprehensive approaches. While supporting voluntary return as the preferred durable solution, it argued that a purely humanitarian and refugee-oriented perspective would be insufficient to address the more complex challenges of development, poverty, migration and demography that have emerged.

To this end, it has promoted inclusive consultations with donors, governments, civil society and Afghans themselves to devise policy and management arrangements for the future. There is broad agreement that continuing support for Afghanistan's reconstruction and the management of population movements as part of normalized bilateral and regional relations should be key objectives for the coming years. Progress in these areas would enhance sustainable reintegration and solutions for the remaining Afghan populations in the neighbouring countries. To achieve this, there was agreement that development and technical cooperation funding should increasingly replace humanitarian aid in the years to come.

During this transition period, finding a workable balance between Afghanistan's absorption capacity and the high returns, and between voluntariness and the pressures on asylum space, will remain key protection concerns for UNHCR. In the longer term, the transition from the international policy and solutions architecture of the refugee regime to the regional and bilateral management of population movements should be completed as the concerned states normalize relations. Within this overall perspective, UNHCR will focus increasingly on the identification of those individuals in continuing need of international protection and asylum.

Map 6.1

Afghan Refugee Repatriation



*Individuals only from Pakistan and the Islamic Republic of Iran. Statistical data sources: Aims.ORG.AF, May 2005

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations. Geographical data sources: UNSECOORD, UNHCR, Global Insight digital mapping - © 1998 Europa Technologies Ltd.

in question, but also those not resettled by removing a vulnerable section of the population from a given situation. Group resettlement is designed to supplement traditional resettlement activities. It does not replace the responsibility of UNHCR to identify and process individual resettlement cases based on established criteria.

Resettlement countries and other partners have welcomed the Group Methodology and participated in missions to locations where refugee populations have been identified for possible resettlement. Examples of refugee groups processed for resettlement in 2003–04 include:

- Liberians in Côte d'Ivoire and Sierra Leone resettled in the United States;
- Liberians in Guinea resettled in Australia and the United States;

Figure 6.4 Resettlement arrivals of refugees, 2004

United States*	52,868
Australia	15,967
Canada	10,521
Sweden	1,801
Norway	842
New Zealand	825
Finland	735
Denmark	508
Netherlands	323
United Kingdom	150
Ireland	63
Chile	26
Mexico	11
Jordan	9
Guatemala	1
El Salvador	1
Total	84,651

* Refers to US Fiscal Year.

Source: Governments.

- Somalis in Kenya resettled in Australia, Canada and the United States; and
- Ethiopians in Yemen resettled in the United States.⁴⁰

Towards a multilateral approach

The Preamble to the 1951 UN Refugee Convention recognizes the need for international cooperation in order to achieve durable solutions. It states that 'considering that the grant of asylum may place unduly heavy burdens on certain countries . . . a satisfactory solution of a problem . . . cannot therefore be achieved without international cooperation.'⁴¹ However, in contrast to the widely accepted and customary legal norm of *non-refoulement*, the global refugee regime lacks an established legal framework to make states share the responsibility for long-term solutions. Resettlement and financial contributions to support local integration or repatriation have historically been discretionary acts by governments. Rich countries have avoided responsibility through exclusionary or deterrent policies and their distance from regions of refugee origin.

The political engagement of host states, countries of origin and third states within and beyond the region of origin is required if durable solutions are to be attained in situations of mass influx, or where protracted situations remain unresolved. The

success of the Indochinese CPA and the International Conference on Central American Refugees (CIREFCA) highlights that the search for durable solutions is most effective when burdens are shared between North and South. In the case of the Indochinese CPA, states of first asylum in the region were willing to offer interim protection and asylum processing in exchange for a commitment from third states outside the region to resettlement and financial support. That kind of commitment was not forthcoming, however, for initiatives such as the International Conferences on Assistance to Refugees in Africa (ICARA I and II). Indeed, resettlement is available to less than 1 per cent of refugees, and the low level of non-earmarked contributions to UNHCR shows that much needs to be done to enhance burden-sharing in the search for durable solutions.

By placing the search for durable solutions within the context of a multilateral dialogue, UNHCR has sought to answer this through three related concepts: appealing to state-specific interests; fostering linkages across previously discrete areas; and attempting to develop a new, normative framework for responsibility-sharing.⁴²

Interests

Historically, in the absence of a guiding normative framework, industrialized states have helped provide durable solutions for refugees in poorer states where doing so has accorded with their own interests. During the Cold War, support for refugees was channelled in accordance with strategic interests. In Africa, for instance, this meant support for guerrilla movements in exile waging proxy wars. The success of the Indochinese CPA and CIREFCA in Central America, for example, are in large part attributable to the involvement of the United States in the conflicts in both regions, impelling it towards engagement and political leadership.⁴³ Meanwhile, in the post-Cold War context there has been a clear correlation between donor states' earmarking of contributions to UNHCR for in-country protection and their interests in containment and security—or their colonial links with strategic partners.⁴⁴ It is clear, therefore, that UNHCR must be politically engaged if it is to influence the policies of governments, thus linking states' interests with the search for durable solutions.

UNHCR has appealed to state-specific interests through the strategic use of resettlement and the flexible funding inherent in targeting development assistance, as in the Zambia Initiative (see Box 6.1). This has allowed states to contribute to the search for durable solutions in accordance with their own existing priorities. The drawback of such an approach is that it may encourage greater selectivity and the corresponding neglect of certain groups or situations. On the other hand, reconciling states' interests with the search for solutions and seeking compatibility between different states' contributions may offer incentives for engagement which would otherwise be absent.

However, it is important to recognize that perceptions of state interest can vary, and that in democracies state policies are to a large extent a reflection of electoral

will, media representation and the engagement of civil society. Movements such as Live8, the Oxfam-led Make Poverty History campaign in the United Kingdom and the efforts that culminated in the Ottawa Treaty on Landmines highlight the influence of civil society in the search for durable solutions. Initiatives such as the North–South Civil Society Conference on Refugee Warehousing, organized by the United States Committee for Refugees and Immigrants and other NGOs in 2005, offer the potential to raise the profile of refugees.

Linkages

While the end of the Cold War removed many of the incentives for northern states to engage with the South, globalization and the post-11 September 2001 era offer new reasons for involvement in regions of refugee origin. The recognition of global interconnectedness and the non-viability of disengagement—given cross-border flows—are generating new commitments in the areas of development, migration and security. Where initiatives such as the Peacebuilding Commission envisaged by Secretary-General Kofi Annan or the Millennium Development Goals emerge from such interests, it is crucial that UNHCR's advocacy strategy in New York links them to, for instance, making repatriation more sustainable.⁴⁵

These new trends represent both constraints and opportunities for UNHCR. While the willingness of states to accept resettlement has declined since 11 September 2001, there is an emerging consensus that resolving protracted refugee situations through a commitment to durable solutions could help meet wider strategic concerns. By fostering links between development, security, migration management and the global refugee regime, state interests can play a part in overcoming protracted refugee situations.

The interests of northern states in managed asylum entry and the reduction of onward movement are channelled into strengthening protection in regions of origin and resettlement. UNHCR has also tried to create a link between states' prior commitments to the Millennium Development Goals and the Framework for Durable Solutions. From a host-state perspective, such a linkage is evident in Uganda's identification of refugee self-reliance as a means to encourage new development assistance.⁴⁶

Norms

Multilateral discussions under the Convention Plus initiative aimed at creating agreements in each of the three main strands— the strategic use of resettlement, irregular secondary movements and targeted development assistance. These accords would then have been applied collectively to protracted refugee situations through comprehensive plans of action, such as those developed for Somali and Afghan refugees (see Box 2.5, Box 6.2).⁴⁷ However, during discussion it became increasingly apparent that states were unwilling to commit to a binding normative framework on, for example, targeted development assistance.

Figure 6.5 Number of refugees and asylum seekers in top 10 UNHCR donor countries and top 10 hosting countries, 2004

Top 10 UNHCR donor countries in 2004 (Rank)	Number of refugees and asylum seekers, end-2004	Number of refugees and asylum seekers per 1 USD GDP per capita
Germany (8)	963,000	33.1
United States (1)	685,000 *	18.6
United Kingdom (6)	299,000 *	9.9
Canada (9)	169,000 *	6.4
Netherlands (3)	155,000 *	4.9
Sweden (4)	101,000 *	3.0
Switzerland (10)	66,300	1.5
Denmark (7)	66,200 *	1.7
Norway (5)	44,000 *	0.9
Japan (2)	2,500	0.1

Top 10 hosting countries, end-2004	Number of refugees and asylum seekers, end-2004	Number of refugees and asylum seekers per 1 USD GDP per capita
Islamic Rep. of Iran	1,046,000	530.2
Pakistan	969,000 *	1,858.6
Germany	963,000	33.1
United States	685,000 *	18.6
United Rep. of Tanzania	602,000	2,241.8
China	299,000	278.0
United Kingdom	299,000 *	9.9
Serbia and Montenegro	277,000	140.2
Chad	260,000	971.4
Uganda	252,000	1,154.6

* UNHCR estimate.

Sources: UNHCR; World Bank; United Nations Population Division.

This begs the question of how a normative framework for sharing responsibility might emerge. UNHCR's Executive Committee Conclusion of 2004 on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations is a step in that direction. It seems clear that situation-specific

approaches to areas such as Afghanistan offer the best means to build inter-state consensus. Channelling state interests into resolving protracted refugee situations might facilitate the emergence of a common understanding of what equitable responsibility-sharing means.

Future directions

As all protracted situations or mass influxes have unique characteristics, varied approaches and partnerships have been developed to improve the prospects for durable solutions in specific situations. These range from concepts such as the 4Rs, Development Assistance for Refugees and Development through Local Integration to the strategic use of resettlement. They also include the Group Methodology, the strengthening of protection capacity in regions of origin and managed labour migration. All offer ways to complement and facilitate access to the three traditional durable solutions.

Despite these initiatives, other areas remain to be explored. First, could the Framework for Durable Solutions be applied to internally displaced persons? If so, how would it need to be adapted? Second, how should durable solutions be adapted in the case of urban refugees? For example, would the solutions pertinent to Somali refugees on the Eastleigh Estate in Kenya's capital, Nairobi, be the same as for Somali refugees in the Dadaab camps in the same country? Third, how can refugees' preferences be better taken into account when implementing durable solutions? What types of participatory approaches could be used to ensure choice and compliance with the principle of voluntarism? Fourth, how should diasporas, which in many cases provide support to refugees in camps via remittances, be recognized as stakeholders in the process? And fifth, what is the role of regional approaches, as in the European Union or the West African region, and how might these be reconciled with global standards? Although these questions remain to be resolved, it is clear that the search for solutions must be comprehensive and collaborative. In each case, this means political engagement.

UNHCR's work on durable solutions recognizes the potentially complementary relationship between the three durable solutions and the way in which they can be most effectively applied within the context of comprehensive plans of action. The strategic use of resettlement, in particular, highlights how it is most effective when used not in isolation but to complement other durable solutions. From a political perspective, ensuring that stakeholders provide a combination of the durable solutions may bring previously unattainable solutions within reach. Such comprehensive approaches would need to be developed on a situational basis and be linked to wider peace-building and post-conflict reconstruction initiatives across the UN system. As was the case in 1989, when UNHCR helped to nurture comprehensive agreements relating to Indochina and Central America, achieving political agreements to overcome particular protracted refugee situations will

require strong individual and institutional leadership, and a willingness to engage in political facilitation.

In seeking to implement its new approaches, UNHCR has tried to play the role of catalyst, advocating the mainstreaming of displacement issues across the UN system. Rather than confining itself to legal protection, on one extreme, or indefinitely expanding its mandate, on the other, UNHCR may take on a role that is primarily one of innovation, advocacy and facilitation. Issues such as development, migration, peace-building and security all affect the welfare of refugees and the search for durable solutions, yet rely on the collaboration of other UN agencies and NGOs in order to ensure coordinated policy-making. Creating linkages across the issue-areas of global governance represents a crucial means to channel states' existing interests and other UN agencies' expertise in these areas into improving access to durable solutions.

Chapter 6

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