

**ANNEX**

**1**

**EXECUTIVE COMMITTEE CONCLUSIONS  
RELATING TO RESETTLEMENT**

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**CONCLUSIONS ADOPTED BY THE EXECUTIVE  
COMMITTEE ON INTERNATIONAL PROTECTION  
OF REFUGEES**

**No. 99 (LV) - 2004**

**General Conclusion on International Protection**

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The Executive Committee

(...)

- (t) *Acknowledges*, consistent with UNHCR's Convention Plus initiative, *the* importance of comprehensive approaches, especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement; *encourages* UNHCR, States and other relevant actors to pursue comprehensive arrangements for specific refugee situations that draw upon combinations of solutions; and *notes* that a community development approach, ensuring the participation of refugee men and women, and refugee children, as appropriate, contributes to the success of such solutions;
- (v) *Welcomes* the Multilateral Framework of Understandings on Resettlement, developed by the Core Group on the Strategic Use of Resettlement; *notes* that the Framework is part of the comprehensive approach envisaged by the Convention Plus initiative; *anticipates* that its practical application will improve access to durable solutions for a greater number of refugees and therefore *encourages* interested States, UNHCR and other relevant partners to make full use of the Framework;
- (x) *Encourages* States and UNHCR to put into practice the strategic use of resettlement in a spirit of international burden and responsibility sharing, in conjunction with other durable solutions, especially to resolve protracted refugee situations; and also *encourages* the further development of the group resettlement referral methodology and continuing efforts for its implementation, mindful that exploring greater flexibility in refugee resettlement could assist in expanding resettlement opportunities;

(...)

## No. 100 (LV) - 2004

### **Conclusion on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations**

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The Executive Committee

(...)

- (m) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:
  - i. the more effective and strategic use of resettlement as a tool of burden and responsibility sharing, including through the application of a group resettlement referral methodology;

(...)

## No. 95 (LIV) - 2003

### **General Conclusion on International Protection**

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The Executive Committee

(...)

- (i) *Reiterates* the crucial importance of achieving durable solutions for refugees and *urges* States and UNHCR to continue their efforts in this regard to promote and facilitate, in conditions of safety and dignity, voluntary repatriation as the preferred solution, in addition to working proactively on local integration and resettlement opportunities where appropriate and feasible;
- (j) *Notes* the willingness of UNHCR, with the support and assistance of the international community, to participate in regional efforts, where appropriate, to provide protection and to achieve durable solutions for refugees, by working closely with countries in the region and other partners;
- (p) *Welcomes* the High Commissioner's "Convention Plus" initiative and *encourages* the High Commissioner and those States which have offered to facilitate "Convention Plus" agreements to strengthen the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden and responsibility sharing and realizing durable solutions; and *calls on* UNHCR to report regularly to the Executive Committee on "Convention Plus" developments;

- (q) *Welcomes* the report of the Working Group on Resettlement<sup>3</sup>, particularly its important reflections on how this durable solution can be enhanced and used more strategically, including as part of comprehensive durable solutions arrangements and *reaffirms* the vital role of international resettlement in providing orderly, well targeted durable solutions;
- (v) *Encourages* States to co-operate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person's situation cannot be resolved in the present host country or other country of former habitual residence, and remains precarious;
- (...)

## N. 85 (XLIX) - 2001

### DURABLE SOLUTIONS

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The Executive Committee

- (...)
- (ff) Urges States, particularly countries of origin of refugees, resolutely to cooperate at the bilateral, regional and universal levels to address the underlying causes of refugee flows, both in a preventive and curative manner, and to facilitate just and lasting solutions;
- (gg) Recalls Conclusion No.62 (XLI) which states that voluntary repatriation, local integration and resettlement, that is, the traditional solutions for refugees, all remain viable and important responses to refugee situations, even while voluntary repatriation is the pre-eminent solution;
- (hh) Calls upon countries of origin, countries of asylum, UNHCR, and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their homes in safety and dignity;
- (ii) Emphasises the importance of reconciliation for facilitating and ensuring the durability of return and calls upon States and all other actors, including the refugees themselves, to cooperate willingly and generously in all initiatives undertaken to bring lasting peace and justice to reintegrating communities;
- (jj) Reaffirms the continuing importance of resettlement as an instrument of protection and an element of burden-sharing; calls on UNHCR to continue to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities for those where resettlement is the appropriate solution; encourages States which have not already offered resettlement opportunities to refugees, and which are capable of doing so, to join in offering such opportunities, and calls on States and UNHCR to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, adolescents, elderly refugees, and survivors of torture.
- (...)

## **N. 87 (L) – 2001**

### **DURABLE SOLUTIONS**

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The Executive Committee

(...)

- (r) Reaffirms that voluntary repatriation, local integration and resettlement are the traditional solutions for refugees, and that all remain viable and important responses to refugee situations; reiterates that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; and notes that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions;

Stateless persons and internally displaced persons

- (s) Notes with concern the persistence of statelessness problems; welcomes the accession of Chad to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as the accession of St Vincent and the Grenadines and Zimbabwe to the 1954 Convention relating to the Status of Stateless Persons; and encourages UNHCR to continue to promote further accessions to and full implementation of both instruments by the States concerned;
- (t) Recalls Conclusion No. 75 (XLV) on internally displaced persons; takes note of resolution 53/125 adopted by the United Nations General Assembly in December 1998; reiterates the relevance of the Guiding Principles on Internal Displacement,[1] and reaffirms its support for UNHCR's role with internally displaced persons on the basis of criteria specified by the General Assembly.

(...)

## **N. 90 (LII) – 2001**

### **RESETTLEMENT**

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The Executive Committee

(...)

- (j) Emphasises that the ultimate goal of international protection is to achieve a durable solution for refugees and commends States that continue to facilitate these solutions, notably voluntary repatriation and, where appropriate and feasible, local integration and resettlement, while recognising that voluntary repatriation in conditions of safety and dignity remains the preferred solution for refugees;
- (k) Commends in particular efforts made by States and by UNHCR to ensure the diverse uses of resettlement as an important tool of international protection, as a durable solution to be used strategically along with the other two durable solutions, appropriate, as part of a comprehensive approach to enhance protection, and as an expression of international solidarity and a means of burden or responsibility sharing, particularly in countries of asylum coping with large numbers of refugees or protracted refugee situations;

- (l) Acknowledges that resettlement is a process beginning with the identification and assessment of refugees requiring protection and ultimately resulting in a durable solution leading to their successful reception and integration; and in this context takes note of the principles on the development and implementation of reception and integration practices developed by the International Conference on the Reception and Integration of Resettled Refugees convened in Norrköping, Sweden, from 25 to 27 April 2001;[1]
- (m) Encourages initiatives directed at diversifying resettlement opportunities by further increasing the number of resettlement countries, thereby sharing resettlement needs more widely, and meeting increased resettlement needs; acknowledges that capacity-building is essential to develop and sustain the necessary conditions for successful integration of resettled refugees in emerging resettlement countries, and underlines the important catalytic role which UNHCR should play in this regard; acknowledges the important role that regional arrangements have played in certain regions in supporting diversified resettlement opportunities;
- (n) Recognises the importance of further strengthening tripartite partnerships, and of strategically enhancing a consultative and collaborative approach to resettlement and notes that further efforts are needed to ensure more responsive and speedy processing, better identification of urgent needs, and co-ordination; and urges further UNHCR efforts to ensure the integrity of the processing of the resettlement caseload and encourages States and UNHCR to continue to pursue a strategic and systematic approach to the problem of attempted fraud or other abuse;
- (...)

## **No. 79 (XLVH) - 1996**

### **GENERAL CONCLUSION ON INTERNATIONAL PROTECTION**

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The Executive Committee,  
(...)

- (q) Notes that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, while reaffirming that voluntary repatriation of refugees is the most preferred solution, where feasible;
- (r) Reaffirms its conclusion 67 (XLII) on resettlement as an instrument of protection and as a durable solution, and welcomes the action taken recently by UNHCR, including the issuance of the Resettlement Handbook on criteria and procedures, and encourages training activities to support resettlement operations in the field;
- (s) Acknowledges the resettlement efforts undertaken by Governments and the efforts being made by UNHCR to take full advantage of resettlement opportunities and to find solutions for individual refugees considered in need of resettlement, and in this connection urges Governments to respond actively to the resettlement needs of refugees in a spirit of burden-sharing;
- (t) Encourages the regular exchange of information as part of the ongoing consultations of UNHCR with Governments and NGOs on resettlement;

**No. 77 (XLVI) - 1995**

**GENERAL CONCLUSION ON INTERNATIONAL PROTECTION**

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The Executive Committee,

(...)

- (a) Distressed at the continued suffering of refugees for whom a solution has yet to be found; reaffirms that respect for fundamental humanitarian principles, including safeguarding the right to seek and enjoy in other countries asylum from persecution, and full regard for the principle of non refoulement, is incumbent on all members of the international community; and urges the continued commitment of States to receive and host refugees and ensure their protection in accordance with accepted legal principles;
- (b) Notes that the search for solutions to refugee problems is an integral part of the High Commissioner's mandate for international protection, and that identifying and implementing solutions to the problems of refugees requires the constant support of the international community in order that the will and capacity of individual States are reinforced in this common pursuit;
- (p) Reiterates the continued importance of resettlement as an instrument of protection and its use as a durable solution to refugee problems in specific circumstances; welcomes the initiative in commissioning an evaluation study and the UNHCR-sponsored consultation on resettlement; and encourages UNHCR to continue the process of dialogue with interested Governments and non-governmental organizations to strengthen its activities in this connection, and to provide regular reports to the Executive Committee;
- (q) Reaffirms its Conclusion 48 (XX7KVIII) on Military or Armed Attacks on Refugee Camps and Settlements and reiterates that, the grant of asylum or refuge being a peaceful and humanitarian act, refugee camps and settlements must maintain their exclusively civilian and humanitarian character, and all parties are obliged to abstain from any activity likely to undermine this; condemns all acts which pose a threat to the personal security of refugees and asylum-seekers, and also those which may endanger the safety and stability of States; calls on States of refuge to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements is maintained and, in this regard, calls on all other States to assist them; and further calls on States of refuge to take effective measures to prevent the infiltration of armed elements, to provide effective physical protection to refugees and asylum-seekers, and to afford UNHCR and other appropriate organizations prompt and unhindered access to them.

(...)

**No. 67 (XLII) - 1991**

**RESETTLEMENT AS AN INSTRUMENT OF PROTECTION**

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The Executive Committee,  
(...)

Reaffirming the link between international protection and resettlement as an instrument of protection and its important role as a durable solution in specific circumstances,

- (a) Calls on governments in a position to assist, to establish refugee admission ceilings, in the context of international burden-sharing;
- (b) Requests States when setting refugee admission ceilings to include an adequate contingency provision which could be available depending on need to address rapidly evolving situations;
- (c) Recognizes that rapidly evolving situations can result in fluctuating resettlement requirements from one year to another and that admission ceilings should be adaptable to such developments;
- (d) Recognizes the need for rapid and flexible response to UNHCR resettlement requirements in particular for vulnerable groups and emergency protection cases subject to refugee admission requirements of receiving States;
- (e) Acknowledges the utility of close consultation with UNHCR in the resettlement activities of the Office;
- (f) Recognizes that in reviewing UNHCR resettlement requests the protection element inherent in such requests should be taken into account;
- (g) Emphasizes that UNHCR pursues resettlement only as a last resort, when neither voluntary repatriation nor local integration is possible, when it is in the best interests of the refugees and where appropriate.

(...)

**No. 61 (XLI) - 1990**

**GENERAL CONCLUSION ON INTERNATIONAL PROTECTION**

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The Executive Committee,

(...)

- (e) Emphasizes the close nexus between international protection, international solidarity, material assistance and the provision of solutions through voluntary repatriation, integration in countries of asylum, or resettlement, and calls upon the High Commissioner to continue his efforts to ensure that protection measures are fully integrated into assistance and durable solutions programs;
- (f) Noting the link between protection and resettlement, underlines the need for states to provide adequate places for refugees in need of resettlement;

- (g) Notes that countries of first asylum carry the major burden of refugees, displaced persons and asylum-seekers, and calls on the international community and the High Commissioner to continue efforts to share the task of providing assistance and solutions and to pursue the search for mechanisms that provide solutions appropriate for the groups involved;

(...)

### **No. 55 (XL) - 1989**

## **GENERAL CONCLUSION ON INTERNATIONAL PROTECTION**

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The Executive Committee,

(...)

- (m) Underlined that resettlement is not only a possible solution for some refugees, but is also an urgent protection measure in the individual case, welcomed the fact that several African States provide such resettlement opportunities, and invited all states to make places speedily available to respond to urgent or emergency protection situations facing individual refugees;

(...)

### **No. 47 (XXXVIII) - 1987**

## **REFUGEE CHILDREN**

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The Executive Committee,

(...)

- (l) Stressed the need for internationally and nationally supported programmes geared to preventive action, special assistance and rehabilitation for disabled refugee children and encouraged States to participate in the "Twenty or More" Plan providing for the resettlement of disabled refugee children;

(...)

**No. 38 (XXXVI) - 1985**

**RESCUE OF ASYLUM-SEEKERS IN DISTRESS AT SEA**

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The Executive Committee,

(...)

- (a) Reaffirmed the fundamental obligation under international law for shipmasters to rescue all persons, including asylum-seekers, in distress at sea;
- (b) Recalled the conclusions adopted by the Executive Committee at previous sessions recognizing the need to promote measures to facilitate the rescue of asylum-seekers in distress at sea [No. 20, No. 23, No. 26, No. 31, No. 34];
- (c) Expressed satisfaction that the rescue of asylum-seekers in distress at sea has increased significantly in 1985 but at the same time expressed concern that many ships continued to ignore asylum-seekers in distress at sea;
- (d) Welcomed the fact that the provision of an appropriate number of resettlement places had made it possible for the Rescue at Sea Resettlement Offers (RASRO) scheme to commence on a trial basis as from May 1985;
- (e) Welcomed the wide-ranging initiatives undertaken by UNHCR to promote the rescue of asylum-seekers in distress at sea and the support given to these initiatives by States;
- (f) Strongly recommended that States maintain their support of UNHCR action in this area and, in particular, that they:
  - (i) join or renew contributions to the DISERO (Disembarkation Resettlement *Offers*) and to the RASRO (Rescue at Sea Resettlement Offers) schemes, or to either of them, as soon as possible;
  - (ii) request shipowners to inform all shipmasters in the South China Sea of their responsibility to rescue all asylum-seekers in distress at sea.

(...)

**No. 34 (XXXV) - 1984**

**PROBLEMS RELATED TO THE RESCUE OF ASYLUM-SEEKERS IN  
DISTRESS AT SEA**

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The Executive Committee,

(...)

- (a) Noted with concern that rescue of asylum-seekers in distress at sea has decreased significantly in 1983 and again in 1984;
- (b) Recalled the Conclusion on the Rescue of Asylum-Seekers at Sea adopted by the Executive Committee at its thirty-fourth session recognizing the need for promoting measures for facilitating the rescue of asylum-seekers in distress at sea;

- (c) Welcomed the actions taken by UNHCR to draw attention to the continued need to rescue asylum-seekers in distress at sea and expressed the hope that these actions would receive the widest possible support of Governments;
  - (d) Strongly recommended that the Rescue at Sea Resettlement Offers (RASRO) Scheme be implemented on a trial basis as soon as possible and that additional resettlement places be provided as a matter of urgency;
  - (e) Recognized the need for continued support for the DISERO (Disembarkation Resettlement Offers) Scheme and recommended that States renew their contributions to this scheme.
- (...)

### **No. 24 (XXXH) - 1981**

#### **FAMILY REUNIFICATION**

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The Executive Committee,

Adopted the following conclusions on the reunification of separated refugee families.

(...)

7. The separation of refugee families has, in certain regions of the world, given rise to a number of particularly delicate problems relating to unaccompanied minors. Every effort should be made to trace the parents or other close relatives of unaccompanied minors before their resettlement. Efforts to clarify their family situation with sufficient certainty should also be continued after resettlement. Such efforts are of particular importance before an adoption -- involving a severance of links with the natural family -- is decided upon.

(...)

### **No. 23 (XXXH) - 1981**

#### **PROBLEMS RELATED TO THE RESCUE OF ASYLUM-SEEKERS IN DISTRESS AT SEA**

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The Executive Committee,

(...)

Adopted the following conclusions on problems related to the rescue of asylum seekers in distress at sea.

1. It is recalled that there is a fundamental obligation under international law for ships' masters to rescue any persons in distress at sea, including asylum seekers, and to render them all necessary assistance. Seafaring States should take all appropriate measures to ensure that masters of vessels observe this obligation strictly.
2. Rescue of asylum seekers in distress at sea has been facilitated by the willingness of the flag States of rescuing ships to provide guarantees of resettlement required by certain coastal States as a condition for disembarkation. It has also been facilitated by the agreement of these and other States to contribute to a pool of resettlement guarantees under the DISERO scheme which should be further encouraged. All countries should continue to provide durable solutions for asylum seekers rescued at sea.

3. In accordance with established international practice, supported by the relevant international instruments, persons rescued at sea should normally be disembarked at the next port of call. This practice should also be applied in the case of asylum seekers rescued at sea. In cases of large-scale influx, asylum seekers rescued at sea should always be admitted, at least on a temporary basis. States should assist in facilitating their disembarkation by acting in accordance with the principles of international solidarity and burden-sharing in granting resettlement opportunities.
4. As a result of concerted efforts by many countries, large numbers of resettlement opportunities have been, and continue to be, provided for boat people. In view of this development, the question arises as to whether the first port of call countries might wish to examine their present policy of requiring resettlement guarantees as a precondition for disembarkation. Pending a review of practice by coastal States, it is of course desirable that present arrangements for facilitating disembarkation be continued.
5. In view of the complexity of the problems arising from the rescue, disembarkation and resettlement of asylum seekers at sea, the High Commissioner is requested to convene at an early opportunity a working group comprising representatives of the maritime States and the coastal States most concerned, potential countries of resettlement, and representatives of international bodies competent in this field. The working group should study the various problems mentioned and elaborate principles and measures which would provide a solution and should submit a report on the matter to the Executive Committee at its thirty-third session.

(...)

## **No. 22 (XXXII) - 1981**

### **PROTECTION OF ASYLUM-SEEKERS IN SITUATIONS OF LARGE-SCALE INFLUX**

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The Executive Committee,

Noting with appreciation the report of the Group of Experts on temporary refuge in situations of largescale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

(...)

#### **IV. International solidarity, burden-sharing and duties of States**

1. A mass influx may place unduly heavy burdens on certain countries; a satisfactory solution of a problem, international in scope and nature, cannot be achieved without international co-operation. States shall, within the framework of international solidarity and burden-sharing, take all necessary measures to assist, at their request, States which have admitted asylum seekers in large-scale influx situations.
2. Such action should be taken bilaterally or multilaterally at the regional or at the universal levels and in co-operation with IJNHCR, as appropriate. Primary consideration should be given to the possibility of finding suitable solutions within the regional context.

3. Action with a view to burden-sharing should be directed towards facilitating voluntary repatriation, promoting local settlement in the receiving country, providing resettlement possibilities in third countries, as appropriate.
4. The measures to be taken within the context of such burden-sharing arrangements should be adapted to the particular situation. They should include, as necessary, emergency, financial and technical assistance, assistance in kind and advance pledging of further financial or other assistance beyond the emergency phase until durable solutions are found, and where voluntary repatriation or local settlement cannot be envisaged, the provision for asylum seekers of resettlement possibilities in a cultural environment appropriate for their well-being.

(...)