

PROGRESS REPORT: CONVENTION PLUS

I. INTRODUCTION

1. This progress report provides information on developments since the second meeting of the High Commissioner's Forum in March 2004.¹ These relate to the three strands of Convention Plus, namely: the strategic use of resettlement; addressing irregular secondary movements of refugees and asylum-seekers; and targeting development assistance to achieve durable solutions. In addition, this report provides information on a number of initiatives related to Convention Plus that are already under way. Updates on developments, prepared by UNHCR's Convention Plus Unit, have been posted periodically on the Convention Plus page of UNHCR's public website (www.unhcr.org/convention-plus).

2. UNHCR appreciates the continued support of States in this process and in particular those facilitating the process of developing special agreements, those participating in the two Core Groups that have been set up to date² and those involved in discussions on development assistance. Work on the *Multilateral Framework of Understandings on Resettlement* was concluded in June 2004³. This is a welcome development. Progress on the two other strands needs to be accelerated and outcomes on all strands synchronized. The "Contact Group" of States⁴, made up of these facilitating States and members of the Bureau of the Executive Committee of the High Commissioner's Programme (ExCom), is assisting the High Commissioner to take stock collectively of progress in the Convention Plus initiative and to consider ways to ensure the necessary linkages and cross-fertilization among the three strands.

II. THE STRATEGIC USE OF RESETTLEMENT

3. The Convention Plus Core Group on the Strategic Use of Resettlement⁵ reached agreement on the *Multilateral Framework of Understandings Resettlement* in June 2004. This responds to the Agenda for Protection's call for the more efficient use of resettlement, both as a tool of protection and as a durable solution⁶, and builds on the valuable contributions made by the

¹ It builds upon the first update contained in FORUM/2004/2 of 13 February 2004.

² Strategic Use of Resettlement and Irregular Secondary Movements.

³ Please refer to FORUM/2004/6 and Section II of this Report.

⁴ Argentina, Canada, Denmark, Japan, South Africa and Switzerland.

⁵ This Core Group consists of States from both the developed and developing world, including States hosting refugees for protracted periods, as well as long-standing and emerging resettlement countries, namely: Australia, Brazil, Denmark, Ecuador, Egypt, the Islamic Republic of Iran, Kenya, Nepal, the Netherlands, Nigeria, South Africa, Sweden, the United Republic of Tanzania, Thailand, the United Kingdom, and the United States of America. The European Commission and the International Organization for Migration (IOM) are also members of the Core Group.

⁶ See A/AC/96/965/Add.1 of 26 June 2002, Goal 5, objective 6.

Working Group on Resettlement⁷ (WGR) and Canada⁸. The purpose of the *Multilateral Framework* is to guide parties to situation-specific multilateral agreements in designing comprehensive arrangements, involving multilateral resettlement operations, to address the protection and durable solutions needs of refugees. Implementation of the *Multilateral Framework* will enable UNHCR and States to make more strategic use of resettlement, in tandem with other durable solutions, while, over time, making resettlement available to more refugees.

4. The text of the *Multilateral Framework* is contained in document FORUM/2004/6 and will be introduced to the Forum by Canada, the facilitating State for this strand of Convention Plus. It was also the subject of a panel briefing during the 30th meeting of the Standing Committee in June 2004. During the briefing many States welcomed the *Multilateral Framework* and recognized that it reflected the concerns and suggestions of both traditional resettlement countries and countries hosting large numbers of refugees on actions required to use resettlement more strategically and, over time, offer resettlement opportunities to more refugees. Participants also highlighted the frank and constructive atmosphere which characterized the meetings of the Core Group⁹ and expressed appreciation for the valuable contribution of non-governmental organizations (NGOs).

III. ADDRESSING IRREGULAR SECONDARY MOVEMENTS OF REFUGEES AND ASYLUM-SEEKERS

5. Building on the Agenda for Protection¹⁰, further work on addressing irregular secondary movements of refugees and asylum-seekers was pursued along two mutually supportive tracks. A Core Group of States and other stakeholders¹¹, co-facilitated by Switzerland and South Africa, was constituted to analyse the reasons for secondary movements and how best to address them in a future multilateral framework of understandings, predicated on international principles of refugee protection, international solidarity and burden sharing. In tandem, the Core Group agreed to commission a survey on movements of Somali refugees and asylum-seekers to inform its deliberations. The outcomes of the survey are also expected to complement other preparatory activities for the formulation of a Comprehensive Plan of Action for Somali refugees, about which the Forum will receive a progress report¹².

⁷ The Working Group on Resettlement is composed of UNHCR, resettlement countries, emerging resettlement countries and IOM. See *The Strategic Use of Resettlement* (EC/53/SC/CRP.10/Add.1).

⁸ Canada presented a discussion paper to the Forum last year entitled *Resettlement and Convention Plus Initiatives: How can resettlement be used in the context of possible Convention Plus agreements and what elements related to resettlement might be considered for inclusion in possible Convention Plus agreements* (FORUM/2003/2).

⁹ November 2003, January 2004, March 2004 and May 2004.

¹⁰ Goal 2, objective 4.

¹¹ The following States and stakeholders are members: Algeria, Argentina, Australia, Bangladesh, Brazil, Denmark, the Dominican Republic, Egypt, Ethiopia, Germany, Ghana, India, Iran, Italy, Kenya, Mexico, Morocco, the Netherlands, Nigeria, Spain, Sweden, Uganda, the United Kingdom, the United States of America, the European Commission, the International Organisation for Migration, and NGOs (the International Council of Voluntary Agencies, Amnesty International, Human Rights Watch, the International Catholic Migration Commission and the Jesuit Refugee Council).

¹² See FORUM/2004/8.

6. The constitutive meeting of the Core Group was convened in Geneva in March 2004 and continued discussions that had commenced in mid-December 2003¹³ on possible future directions to address irregular secondary movements, including through a better articulated responsibility and burden-sharing system to reinforce protection capacities, especially in countries hosting large refugee populations. At this meeting a background document, entitled *Issues Paper on Addressing Irregular Secondary Movements of Refugees and Asylum-seekers*, was presented and Core Group members were invited to provide written comments.¹⁴ The Core Group also received a briefing on developments relating to the Somali survey.

7. The Core Group met again in Geneva at the beginning of May 2004 to discuss the aforementioned issues paper and the written comments received. The discussion covered various key issues, including the content of the notion “irregular secondary movements”, the scope of what protection should encompass, as well as responsibility and burden-sharing principles. In follow-up to the May meeting, UNHCR produced a document entitled *Basic Propositions on Irregular Secondary Movements*, which sought to capture a number of shared understandings that had begun to emerge¹⁵. The written comments received from the Core Group were consolidated and disseminated to members in preparation for the next meeting, scheduled for 20 September 2004.

8. In parallel to the work of the Core Group, the survey of movements of Somali refugees and asylum-seekers was launched in the second quarter of 2004¹⁶. The Swiss Forum for Migration and Populations Studies (SFM) developed the survey’s methodology, in cooperation with the facilitating States and UNHCR. Consultations with other States and stakeholders on the draft methodology took place and were concluded in a design workshop held in mid-February 2004, organized by South Africa, Switzerland and UNHCR. The first preliminary findings of surveys in some of the countries covered are expected to be available in the fourth quarter of 2004.

IV. TARGETING DEVELOPMENT ASSISTANCE TO ACHIEVE DURABLE SOLUTIONS

9. At the March 2004 meeting of the Forum, Denmark and Japan, as co-facilitating States, presented a jointly prepared *Discussion Paper on Targeting Development Assistance to Achieve Durable Solutions for Refugees*¹⁷, outlining the Danish and Japanese strategies to include refugee needs and those of host communities in their respective development aid policies. In April and June 2004, Denmark and Japan convened meetings of key development aid donors in Geneva, with a view to involving gradually in a Core Group a number of development aid recipients

¹³ The informal record of this meeting is available on the Convention Plus page of UNHCR’s website, www.unhcr.org/convention-plus.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Surveys in the following countries are foreseen, if funding allows: Djibouti, Egypt, Ethiopia, Italy, Kenya, the Netherlands, South Africa, Switzerland, and Yemen.

¹⁷ FORUM/2004/3.

which are also major refugee-hosting countries or countries of origin. In the June meeting it was agreed to focus efforts initially on two specific refugee situations. In the course of the next few weeks Japan will host a meeting of interested States to discuss and prepare a plan for Somali refugees in Ethiopia, including support for their sustainable return to northern Somalia. Denmark will likewise convene a meeting on the targeting of development aid for Sudanese refugees and their host communities in northern Uganda.

10. Beyond these discussions on targeting development assistance in specific situations, UNHCR has prepared a draft *Issues Paper on Targeting of Development Assistance*,¹⁸ identifying issues relating to the targeting of development assistance in a Convention Plus context and outlining possible elements for a framework of understandings. Since the successful targeting of development assistance also requires the involvement and commitment of a range of actors, the issues paper will, as a first step, be presented in a meeting with United Nations agencies, the World Bank, the OECD Development Assistance Committee (DAC), major aid donors and NGOs, to be hosted by Denmark in Geneva on 22 September 2004.

11. Complementing the above work on the Convention Plus initiative, UNHCR's office in New York continues to participate actively in the work of the United Nations Development Group (UNDG). Following adoption of the report of the United Nations High Commissioner for Refugees on strengthening the capacity of the Office to carry out its mandate¹⁹, UNHCR has been pursuing with UNDG member organizations, through the Resident Coordinator/Humanitarian Coordinator, the inclusion, in the formulation and implementation of their development programmes, of the needs of refugees, repatriating refugees, and, if applicable, other persons of concern to UNHCR.²⁰ Moreover, the United Nations Economic and Social Council (ECOSOC), at its July 2004 session, encouraged "States to support, including through the allocation of funds, the development and implementation of the 4Rs (repatriation, reintegration, rehabilitation and reconstruction), and of other programming tools to facilitate the transition from relief to development."²¹ At the High Commissioner's initiative, UNDG is finalizing a guidance note on durable solutions for displaced persons for United Nations Country Teams preparing the Common Country Assessment (CCA) and the United Nations Development Assistance Framework (UNDAF). The guidance note draws upon the operational experiences gathered in recent years by the various agencies as well as UNHCR's Framework for Durable Solutions (the Framework).

12. Since the Framework was issued in May 2003, efforts have concentrated on applying it practically in a number of field operations. In May 2004, UNHCR issued the *Handbook for Repatriation and Reintegration Activities*, which translated the "4Rs" (Repatriation, Reintegration, Rehabilitation and Reconstruction) component of the Framework into an

¹⁸ This is available on the Convention Plus page of UNHCR's website, www.unhcr.org.

¹⁹ This report is the outcome of the "UNHCR 2004" process. See *Report of the United Nations High Commissioner for Refugees on strengthening the capacity of the Office of the United Nations High Commissioner for Refugees to carry out its mandate*, A/58/410.

²⁰ See General Assembly Resolution 58/153, paragraph 4.

²¹ E/2004/L.35, para. 46.

operational tool for the field. UNHCR has disseminated the Handbook widely to field offices and partners around the globe. The next step of tools development will be finalization and dissemination of guidelines on Development Assistance for Refugees (DAR) before the end of 2004.²² Preparations for this effort have included an in-depth review of a range of durable solutions strategies being implemented in field operations as well as a regional workshop in Lusaka aimed at drawing lessons from the Zambia Initiative, and involving a number of African States, United Nations agencies, donors and NGOs.

13. In October 2003, UNHCR joined the OECD/DAC Network on Conflict, Peace and Development Co-operation. In addition to its advocacy work with the donor community on the inclusion of refugee needs in DAC guidelines as well as national development policies, UNHCR is working closely with members of the Network to develop good practices on how to foster coherent common approaches to refugee situations and how to link humanitarian and development assistance more effectively. UNHCR has also created a new post in UNHCR's Regional Liaison Office in Addis Ababa to sustain engagement with the African Union in relation to the New Partnership for Africa's Development (NEPAD) and furthering policy thinking on the strategic use of development assistance on the continent.

V. RELATED DEVELOPMENTS

14. UNHCR's reinvigorated focus on durable solutions is being demonstrated through initiatives such as the March 2004 Dialogue on Voluntary Repatriation and Sustainable Reintegration in Africa and its follow-up, the "Afghanistan Plus" initiative, aimed at developing a broader policy framework within which displacement may be managed as a migration and poverty problem rather than just a refugee situation, and, more recently, in its report on protracted refugee situations to the June meeting of the Standing Committee²³. The report, prepared in follow-up to the Agenda for Protection, not only provided information on the dimensions of the problem²⁴, but also highlighted the range of tools and approaches being developed by UNHCR to bring about durable solutions. In addition to updating the Forum on progress in formulating a comprehensive plan of action for Somali refugees, UNHCR will present a note on comprehensive approaches²⁵.

15. Since the March 2004 meeting of the High Commissioner's Forum, the Convention Plus Unit has been working closely with UNHCR's Regional Bureaux, especially the Africa Bureau, on the development of the Comprehensive Plan of Action for Somali refugees, as well as the Department of International Protection on a new initiative to strengthen protection capacities in a number of African countries, as a precursor to a wider effort. It has also sought to foster greater understanding of and support for the Convention Plus initiative in the Inter-Governmental

²² UNHCR hopes to make the guidelines available by November 2004.

²³ EC/54/SC/CRP.14.

²⁴ "It is estimated that, at the end of 2003, there were 38 different protracted refugee situations in the world, accounting for some 6.2 million refugees in total." *Ibid.*, para. 5.

²⁵ FORUM/2004/7.

Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC), the European Commission, the Inter-Parliamentary Union, the African Parliamentary Union and various other fora dealing with asylum and refugee issues.

16. Like a number of States, UNHCR is keen to make progress on agreements relating to specific refugee situations. Experience has demonstrated, however, that there is simply no “quick fix”. The development of “generic” understandings on resettlement has proven the value of elucidating the concerns and expectations of a cross-section of States and partners, with the aim of putting situation-specific agreements on firmer footing. They will also allay concerns, especially of refugee-hosting countries in the developing world, that the underlying result may be “burden-shifting”, rather than more robust multilateral cooperation and partnership. It is clear that the understandings being developed under each strand of Convention Plus, when applied in specific situations, will need to be tailored to the unique circumstances of each. These understandings will be used to craft multilateral agreements containing concrete commitments to address the protection and durable solutions needs of specific refugee groups, including, but not exclusively, through comprehensive plans of action.

VI. MANAGEMENT OF THE INITIATIVE

17. The Convention Plus Unit, established by the High Commissioner in October 2002 to guide the initiative, which, inter alia, serves as the Secretariat for the work of the Core Groups, continued to work closely with facilitating and other interested States and organizations to advance the development of understandings and commitments to achieve durable solutions and to address irregular secondary movements. Contributions of US\$748,632 towards the budget of the Unit in 2004, amounting to US\$870,645, have been received from a number of States. The High Commissioner is continuing to seek special contributions for the Unit for the remainder of 2004 and 2005.