

PROGRESS REPORT: CONVENTION PLUS

I. INTRODUCTION

1. The Convention Plus initiative has steadily gained momentum since its launch in 2003. This progress report provides information on developments since the first meeting of the High Commissioner's Forum in June 2003. 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, as well as the interlinkages between these strands. In addition, this report provides information on a number of initiatives related to Convention Plus that are already in progress or are beginning to take shape, including some that are situation-specific.

2. To ensure a well-coordinated approach to the Convention Plus initiative, a dedicated Convention Plus Unit (CPU) was established at UNHCR Headquarters in the latter half of 2003. It is responsible for working with States and other partners on each of the three strands of Convention Plus, as well as for providing advice and assistance within UNHCR on the formulation of situation-specific initiatives. In December 2003, the CPU published *Convention Plus at a Glance*, which provides information on the Convention Plus initiative for use not only by UNHCR staff at headquarters and in the field, but also States and other partners. The publication, which includes in annex a regular update on developments with respect to the three strands, can be found on the Convention Plus page of UNHCR's public website (www.unhcr.org) under "Protecting Refugees".

3. The Convention Plus initiative has received considerable impetus thanks to the active participation of States that volunteered to facilitate the process of crafting special agreements on each of the three strands. In order to promote the sharing of experience and views, the High Commissioner convened a "Contact Group" of States¹, made up of these facilitating States and members of the Bureau of the Executive Committee of the High Commissioner's Programme (ExCom). The Contact Group met for the first time in February to take stock collectively of progress in the Convention Plus initiative and consider ways to ensure the necessary linkages and cross-fertilization among the three strands. It was recognized that further progress on each of the strands needs to be synchronized, building on the synergies that exist between them. It was agreed that the Contact Group will continue to meet on a regular basis to gauge progress and discuss how best to proceed in a coordinated manner.

¹ Argentina, Canada, Denmark, Japan, South Africa and Switzerland.

II. THE STRATEGIC USE OF RESETTLEMENT

4. The Agenda for Protection², endorsed by ExCom in October of 2002, calls for the more efficient use of resettlement, both as a tool of protection and as a durable solution.³ Pursuant to this call, the Working Group on Resettlement⁴ (WGR) undertook an analysis of how to make more strategic use of resettlement, including within regions affected by refugee movements.⁵ The recommendations of this analysis were reflected in a discussion paper prepared by the WGR, entitled *The Strategic Use of Resettlement* (EC/53/SC/CRP.10/Add.1), presented to UNHCR's Standing Committee in June 2003.

5. The discussion paper suggested that the more strategic use of resettlement, particularly in the context of comprehensive durable solutions arrangements, would require, *inter alia*:

- A substantial increase in global resettlement capacity;
- The expansion and diversification of countries having annual resettlement quotas;
- Making the resettlement process more efficient (both the identification of potential candidates and their processing by resettlement countries);
- Countries acting more collectively in pursuing agreed goals and acting in a more coordinated manner;
- More collective analysis and decision-making on the appropriate action to be taken regarding refugee populations to be resettled;
- More focus on the resettlement of groups of persons;
- Improved and more timely registration procedures and processes, including early data on the potential need for resettlement; and
- Closer cooperation between resettlement countries and refugee-hosting countries on measures to allocate burdens and responsibilities more effectively.

6. Building on the work of the WGR, 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). The paper included a number of potential elements of a resettlement component for Convention Plus

² See A/AC/96/965/Add.1, 26 June 2002.

³ *Ibid*, Goal 5, objective 6.

⁴ The Working Group on Resettlement is composed of UNHCR, resettlement countries, emerging resettlement countries and IOM. Its members are: Australia, Brazil, Canada, Denmark, Finland, Ireland, The Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, the United States of America, IOM and the International Catholic Migration Commission (ICMC). In broad terms, the WGR serves as a forum for discussion of questions related to resettlement policy, management and operation of resettlement activities, specific operational issues, information-sharing on needs and opportunities for resettlement, and on resettlement experiences and best practice.

⁵ *Ibid*, Goal 5, objective 1, action 2.

agreements, which broadly tracked those proposed by the WGR. During the Forum, Canada also offered to facilitate consultations with interested States and organizations to follow up on the Forum's deliberations on resettlement and to elaborate elements of a framework for resettlement within Convention Plus. During and following the Forum, a number of States and organizations, including IOM and the European Commission, expressed an interest in participating in these deliberations. NGOs also expressed a desire to cooperate actively in the Convention Plus process and stood ready to offer models for this cooperation.

7. In November of 2003, Canada and UNHCR convened the first meeting of the Convention Plus Core Group on the Strategic Use of Resettlement, charged with developing a framework of understandings relating to resettlement. These should be included in plans of action to address specific refugee situations, including through comprehensive arrangements. Co-chaired by Canada and UNHCR, the 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. 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 of Great Britain and Northern Ireland, the United States of America, the European Commission and the International Organization for Migration (IOM) participate in it. The November meeting discussed a paper entitled *Framework of Understandings on Resettlement*, prepared by Canada in close cooperation with UNHCR. The paper, which set out understandings and potential undertakings on the part of UNHCR, resettlement countries, refugee-hosting countries and resettlement partners, was well received by the Core Group. Its members agreed to begin work on a draft multilateral framework of understandings and undertakings. Following the meeting, Canada and UNHCR briefed NGOs and States that had requested to be kept informed of these discussions.

8. The Core Group met again at the end of January 2004 to work on this multilateral framework. The working draft covers issues such as leadership and coordination, timely registration and documentation, selection criteria, family unity, the transparency and integrity of the resettlement process, efficient programme delivery, support for the integration of resettled refugees, and sustained and enhanced commitments to resettle refugees. Another meeting of the Core Group will be convened during the first week of March, prior to the High Commissioner's Forum. Work remains to be done on completing this multilateral framework and linking it to other components of the Convention Plus initiative. Already emerging from the discussions, however, is an important consensus: closer cooperation and improved coordination are needed to exploit more fully the potential of resettlement as a tool of protection, a durable solution and a palpable manifestation of burden sharing with countries hosting large numbers of refugees, particularly in protracted situations.

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

9. This strand of Convention Plus, co-facilitated by Switzerland and South Africa, is well under way. The work on this strand is based upon the Agenda for Protection⁶, which refers to ExCom Conclusion No. 58 (XL)⁷ and calls upon UNHCR, in cooperation with relevant partners, to analyse the reasons for such movements, and to propose strategies to address them, predicated on a more precisely articulated understanding of what constitutes effective protection in countries of first asylum, and taking into account international solidarity and burden sharing. The Agenda also calls on UNHCR to work with States involved in these situations, as well as with other partners, on a package of measures which might be brought into play, as part of a comprehensive plan of action for particular secondary movement situations. Further work within the Convention Plus initiative will take these expectations as its starting point.

10. On 16 December 2003, ExCom members and Standing Committee observers were invited to an open meeting, co-chaired by the facilitating States and UNHCR. The objective was to allow a first discussion among stakeholders and to begin the process of constituting a Core Group of interested States to pursue further work towards a generic agreement on this strand. The following States and organizations participated in the meeting: Algeria, Australia, Austria, Brazil, Canada, China, Denmark, the Dominican Republic, Ethiopia, France, Ghana, Greece, the Holy See, India, Ireland, Italy, Japan, Latvia, Lithuania, Mexico, Morocco, the Netherlands, Norway, Oman, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey, Uganda, the United States of America, the International Council of Voluntary Agencies (ICVA), IOM and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The informal record (FORUM/CG/SM/01) of the meeting is available on the Convention Plus page of UNHCR's website, www.unhcr.org.

11. The deliberations took place on the basis of a discussion paper (FORUM/SC/SM/01, Annex 2) that provided further information on this strand of Convention Plus, identified some of the reasons for onward movement and suggested possible future directions to address these causes. The discussion paper also pointed to the need to contribute to a better responsibility- and burden-sharing system based on reinforced protection capacities, especially in those countries hosting large refugee populations. Such arrangements are aimed at giving concrete content to the notions of capacity-building and effective protection.

12. In the course of the meeting, participants made a call for three complementary efforts. One is to endeavor to ensure that effective protection is available in countries of asylum where people arrive. There has to be a focus on understanding effective protection and ensuring its availability as part of any strategies that we develop to address the problem. Secondly, there has to be a focus on durable solutions, as the lack of available solutions is one of the causes of secondary movements.

⁶ Goal 2, objective 4.

⁷ On the problem of refugees and asylum-seekers who move in an irregular manner from a country in which they had already found protection, 1989.

Therefore, strategies should be predicated on the need to find early, durable solutions for refugee populations through, for example, the strategic use of resettlement and the direction of development related efforts. Finally, strategies must look at how to ensure better control of irregular, secondary movements in a protection sensitive manner. Border control measures and proper readmission procedures must be developed within a clear protection framework. During the meeting, Switzerland also presented a proposal to carry out a survey on the onward movements of Somali refugees and asylum-seekers, aiming at a better, broadly-based understanding of the phenomenon of irregular secondary movements, based on the characteristics of this population, both in the region and further abroad. The proposal, which is expected to provide information on the scope and causes of the refugees' movements, as well as State responses in these situations, found broad support among the participants. The methodology for these surveys is currently being developed and was the subject of a "design workshop" organized by South Africa, Switzerland and UNHCR on 17 February 2004.

13. While preparations for the survey are ongoing, a first meeting of the Core Group is planned for early March 2004. A more in-depth discussion is foreseen on the basis of a paper outlining the key issues involved in the phenomenon of irregular secondary movements. This will allow for a better understanding of the perspectives and positions of all stakeholders with a view to gradually developing a special agreement on this set of issues. Intermediate results from the envisaged survey, as well as any generic conclusions that may be derived from it, are intended to inform discussions in the Core Group.

IV. TARGETING DEVELOPMENT ASSISTANCE TO ACHIEVE DURABLE SOLUTIONS

14. A number of goals in the Agenda for Protection⁸ provide the premise for this strand of Convention Plus. UNHCR and States are called upon to develop "specific burden-sharing arrangements", to redouble the search for durable solutions and to consider means to allocate development funds to support durable solutions, in particular in the context of comprehensive plans of action. Building on the Agenda for Protection, the Framework for Durable Solutions⁹ developed new tools to achieve solutions for refugees in protracted and post-conflict situations. The United Nations Millennium Declaration contains a commitment to enhance burden sharing in countries hosting refugees and to assist displaced populations to return home and reintegrate in their societies.¹⁰ In line with the Millennium Declaration, G8 countries, in their Africa Action Plan developed in response to the New Partnership for Africa's Development (NEPAD) initiative, have committed themselves to "enhance African capacities to protect and assist war-affected populations and facilitate the effective implementation in Africa of United Nations Security Council resolutions

⁸ Goal 3, objective 1, actions 3 and 4; Goal 3, objective 2, action 5; Goal 5, objective 1, action 1; Goal 5, objective 3, action 3; and Goal 5, objective 4, action 3 are particularly relevant.

⁹ Framework for Durable Solutions for Refugees and Persons of Concern, UNHCR, 2003.

¹⁰ United Nations Millennium Declaration, September 2000, paragraph VI.

relating to civilians, women and children in armed conflict – including by supporting African countries hosting, assisting and protecting large refugee populations”¹¹.

15. In the June 2003 meeting of the Forum, Denmark offered to facilitate this strand of Convention Plus and was joined by Japan shortly thereafter as a co-facilitator. Following consultations with UNHCR, Denmark and Japan prepared a *Discussion Paper on Targeting Development Assistance to Achieve Durable Solutions for Refugees* (FORUM/2004/3). This paper outlines the Danish and Japanese strategies and experiences on incorporating refugee needs and those of host communities in their respective development aid policies, describing where and how this has been practised. Building on these experiences, the discussion paper specifies the next steps to be taken in the process, including the identification of States, United Nations entities and other partners interested in constituting a Core Group that will take the work on special agreements forward.

16. In a parallel and complementary effort, UNHCR took the initiative of joining the OECD/DAC Network on Conflict, Peace and Development Co-operation in October 2003. The Network provides a forum for discussion and advocacy with the donor community on the inclusion of refugee needs in national development policies as well as in the DAC guidelines on development assistance. This work will continue and inform that of the Core Group on targeting development assistance to achieve durable solutions for refugees.

V. LINKAGES BETWEEN THE THREE STRANDS AND OTHER CONVENTION PLUS-RELATED INITIATIVES

17. While the three strands of Convention Plus are being pursued in parallel for the moment, it is important to underline that there are a number of critical interlinkages between them. These become particularly apparent when considering how special agreements might be applied in a holistic manner in specific situations. Such linkages include the strategic use of resettlement and its impact on addressing irregular secondary movements of refugees and asylum-seekers, as well as the impact of targeted development assistance on protection capacities and access to durable solutions in refugees' regions of origin, which may contribute to reducing these movements. Further, the strategic use of resettlement increases the potential for other solutions, which in turn can be supported by the targeted use of development assistance. Although the understandings and undertakings being developed under each strand will provide general commitments, it is recognized that their application in specific situations will need to be tailored to the unique circumstances of each situation.

18. In June 2003, the Forum was presented with a background document entitled *Initiatives that could benefit from Convention Plus* (FORUM/2003/03). It contained a number of case studies that illustrated the range of situations where comprehensive arrangements in the context of Convention Plus could contribute to resolving refugee situations. Since then, internal discussions have focused on utilizing the Convention Plus framework to define and develop the means to apply this approach

¹¹ G8 Africa Action Plan, June 2002, Promoting Peace and Security, 1.7.

to the situation in and around Afghanistan in the coming years, and to the comprehensive solution of the Somali refugee problem.¹²

19. In related initiatives, UNHCR is actively engaging with the African Union, in particular in relation to NEPAD, with a view to advancing policy thinking on the strategic use of development assistance. In addition, on 8 March 2004, a High Level Dialogue on Voluntary Repatriation and Sustainable Reintegration in Africa will take place in Geneva. This is aimed at seizing on new opportunities for durable solutions, particularly voluntary repatriation and reintegration, in different parts of the continent. While this High Level Dialogue is key to recommitting the international community to durable solutions in Africa, Convention Plus offers a vehicle for all stakeholders to build new partnerships and to develop specific burden-sharing arrangements in support of comprehensive solutions packages.

20. In addition to these situation-specific initiatives, UNHCR is engaged in several other efforts that also have a bearing on Convention Plus. These include Project Profile to develop UNHCR's registration capacity and expertise, and the Office's initiative to pilot the methodology for identifying groups for resettlement. Further, the UNHCR Office in New York, with the support of the Core Group on Durable Solutions, is working to define UNHCR's engagement with the United Nations Development Group (UNDG). This includes the development of UNDG guidelines on durable solutions, based on the Framework for Durable Solutions, for inclusion in United Nations transition policies in post-conflict situations and in the revision of the Common Country Assessment (CCA) and the United Nations Development Assistance Framework (UNDAF) Guidelines. A UNDG working group is being established that will also build upon the recommendations and implementation plan developed by the UNDG/Executive Committee on Humanitarian Affairs (ECHA) Working Group on Transition Issues¹³.

VI. MANAGEMENT OF THE INITIATIVE

21. As noted earlier in this report, the Convention Plus Unit has been established to act essentially as the Secretariat for the Convention Plus initiative under the guidance of the High Commissioner and the Director of the Department of International Protection, and in close cooperation with facilitating and other interested States and organizations. The CPU works in close conjunction with UNHCR's Regional Bureaux, Departments and Divisions to ensure broad input and participation in the initiative. The annual operating budget for the Unit for the years 2004 and 2005 amounts to \$870,645, for which the High Commissioner is seeking special contributions.

¹² With regard to Somali refugees, UNHCR has submitted a proposal to the European Commission, supported by several European Union Member States, to begin preparations for a comprehensive plan of action for Somalia. The proposal foresees the involvement of countries in the region and Somalia itself and includes activities related to registration of the caseload, profiling and data gathering. At the time of writing, this proposal was pending approval by the European Commission.

¹³ Report of the UNDG/ECHA Working Group on Transition Issues, December 2003. See also "*Economic and social impact of massive refugee populations on host developing countries, as well as other countries*" EC/55/SC/CRP.5, presented to the twenty-ninth meeting of the Standing Committee in March 2004.