

Agenda Item 2 (i)

NGO STATEMENT ON THE CONVENTION PLUS STRAND ON THE STRATEGIC USE OF RESETTLEMENT

Thank you, Mr. Chairman

This statement has been drafted in consultation with, and is delivered on behalf of, a wide range of NGOs.

On 27 June 2003, in his Summary of the Inaugural meeting of the Forum, the Chairman welcomed NGOs' offer to participate actively in the work of the different clusters and in the implementation of the agreements that would eventually be reached. NGOs' desire to cooperate actively with this process and their readiness to offer models for this cooperation is also acknowledged in the High Commissioner's Progress Report to this Forum.ⁱ

At this crucial period of establishing a body of resettlement theory and policy, NGOs involved in resettlement have concretely followed-up this offer and have been feeding input and suggestions into the Strategic Use of Resettlement strand of Convention Plus. Although we would have preferred to be directly participating in discussions of the Core Group on the Strategic Use of Resettlement co-chaired by Canada and UNHCR, we welcome the co-chairs' willingness to circulate their drafts for NGO comments and to include some of these suggestions in the successive revisions of the Multilateral Framework of Undertakings on Resettlement (MFU).ⁱⁱ We also thank the co-chairs for the briefings provided to NGOs and States that had requested to be kept informed of the Core Group's discussions. In view of this fruitful collaboration, we hope that the co-chairs will reconsider their current formula for NGO involvement and arrange for direct NGO participation in the core group, similar to the process for irregular secondary movements.

In its discussion paper for the inaugural meeting of the High Commissioner's Forum, Canada highlighted that resettlement served three equally important functions: first, as a tool to provide international protection; second, as a durable solution; and third, as a tangible expression of international solidarity and a responsibility-sharing mechanism.

A **fourth significant function of resettlement** was flagged by NGOs: resettlement raises the consciousness of the general population to the plight of refugees. One of the main reasons that refugee resettlement has been so well supported in some of the traditional resettlement countries is that local communities have become directly involved in the reception and integration of refugees through resettlement programmes. This reduces the vilification so often seen in some media and resorted to by political figures. As only 1% of refugees currently benefit from resettlement, we hope that more governments will offer new or expanded resettlement places, especially in Western Europe. We welcome European Union discussions about an EU resettlement programme.

We flagged to States and UNHCR the **role and expertise of NGOs as partners**, and of the necessity for this to be highlighted throughout the Multilateral Framework of Undertakings on Resettlement, including with regards to consultations on coordination and the provision of targeted information and counselling to refugees on their options for durable solutions and procedures for resettlement. In many cases, resettlement is the only option for some refugees. However, we support the use of resettlement within a comprehensive solution to protracted refugee situations that also include local integration and voluntary repatriation. Resettlement programmes must be understood as refugee protection programs, and as such, governments should partner with organisations that have protection mandates and experience when implementing such programs.

NGOs advocated for refugees' inherent **right to be informed** about the resettlement process, as the persons most affected, but **also to be consulted** so that they can fully participate in the decision-making process.

Concerning the need for a full understanding of the characteristics of the refugee populations, we emphasized the **need to identify the most vulnerable refugees**, including survivors of violence and torture, persons with medical needs (including persons with HIV/AIDS, mental health needs and disabilities), women-at-risk, separated children – with emphasis on respecting the “best interests of the child” –, the elderly and minorities. Such vulnerability should be grounds for prioritization rather than exclusion from resettlement programmes. Refugees who are unsafe in the country of first asylum, especially those needing expedited, emergency consideration, also have to be identified.

In certain regions, current NGO research indicates an alarming breakdown of the international protection regime for many extremely vulnerable women and children. Some NGOs are denouncing a culture within UNHCR and the NGO community that presumes guilt or fraud on the part of the majority of refugees and starts from the basis that refugees must prove themselves “innocent” before being assisted. This particularly applies to women-at-risk. Caseworkers are reportedly often overwhelmed, under-resourced and ill-equipped and insufficiently supported to deal with the level of suffering to which they are exposed on a daily basis.

We recommended that irrespective of the various channels used to secure the **integrity of the family**, States ensure that all family members be granted a status that guarantees the same level of effective protection, security and access to integration, including in the event of subsequent changes in the family unit.

We cautioned against the use of **biometric** data as an invasion of privacy further dehumanizing a vulnerable population that has already likely faced discrimination. Likewise, we advised that the monitoring of new arrivals and the setting up of deterrent measures for population movement was not part of the Core Group's objective to tackle the issue of the strategic use of resettlement and that any language to this effect be removed from the MFU.

We wish to reiterate what the Strategic Use of Resettlement in the context of **Convention Plus should not be**.

- It must not negate the need for fair, transparent, and efficient asylum systems for spontaneous arrivals;
- It should not be developed at the expense of the right to seek asylum;
- It is not to be used as a bargaining chip over first asylum countries or countries of origin in order to force the drafting and application of readmission agreements for failed asylum-seekers;
- It must not be made dependent upon the reduction of irregular secondary movements.

Further, the strategic use of resettlement and the drafting of comprehensive solutions – often based on the collaboration of participating and affected parties – should not be an excuse for delay or a reason to defer action while attempting to achieve consensus.

NGOs welcome the recognition of resettlement as one important element of a multilateral comprehensive approach to achieve durable solutions. We recommended, however, that resettlement countries continue to use **resettlement as a durable solution for refugees who are not included in multilateral resettlement operations**.

We suggest that, in a **pilot phase, this Convention Plus initiative be tested** in a range of different situations including protracted refugee situations, situations where the other two durable solutions are not currently possible, and recent influx situations (i.e. in Nepal, Bangladesh, Colombia,

Tanzania, Thailand, Yemen, Malaysia, Western Sahara, and China). NGOs stand ready to actively participate in crafting creative and resolute solutions with UNHCR and governments.

Finally, NGOs reiterate their interest and willingness to remain involved in the activities of the Convention Plus Core Group on the Strategic Use of Resettlement.

Thank you.

ⁱ FORUM/2004/2

ⁱⁱ See Informal Record Meeting of the Convention Plus Core Group on the Strategic Use of Resettlement, Geneva, 24 November, FORUM/CG/RES/05, 12 December 2003. NGOs' successive comments, distributed to the Co-chairs and to interested governments, are available on ICVA's website: www.icva.ch.