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ANNUAL THEME:
THE PURSUIT AND IMPLEMENTATION OF DURABLE SOLUTIONS

I. INTRODUCTION

1. At its forty-sixth session in October 1995, the Executive Committee decided that the General Debate which had traditionally opened its annual session would be discontinued and replaced by a debate on a focused annual theme selected in consultation with the High Commissioner and the Standing Committee (A/AC.96/860, para. 32(h)). Pursuant to that decision, the Standing Committee decided at its third inter-sessional meeting in June 1996 that the theme to be discussed at the forty-seventh session of the Executive Committee would be the pursuit and implementation of durable solutions. The Standing Committee also decided that the debate should be conducted, *inter alia*, on the basis of relevant work undertaken at the inter-sessional meetings of the Standing Committee, notably in respect of the *Note on International Protection* (A/AC.96/863) which focuses on comprehensive approaches, including the issue of prevention, and the follow-up to ECOSOC resolution 1995/56.

2. The present document seeks to recapitulate in summary form a number of issues which are central to the pursuit, implementation and consolidation of solutions, as well as to suggest areas that would benefit from further reflection in the Executive Committee.

II. UNHCR'S ROLE IN THE PURSUIT OF DURABLE SOLUTIONS

3. The core functions assigned to UNHCR by its 1950 Statute involve "providing international protection" and "seeking permanent solutions to the problem of refugees by assisting Governments [...] to facilitate the voluntary repatriation of such refugees, or their assimilation within new

national communities". The two aspects of UNHCR's mandate are inseparably inter-linked, the pursuit of durable solutions being the ultimate aim of international protection. UNHCR's efforts to find durable solutions to the plight of refugees stem from the needs and rights of the individual.

4. Traditionally, three major durable solutions have been pursued: voluntary repatriation, local settlement and third country resettlement. In recent years, the international community has placed emphasis on voluntary repatriation as the strongly preferred solution. A natural extension of this emphasis on repatriation and on countries of origin has been the increased importance attached to the prevention of forced displacement.

5. As part of its efforts to promote and consolidate voluntary repatriation and to prevent new displacement, UNHCR's activities in countries of origin have expanded very rapidly in the last few years. In the context of a new solution-oriented and preventive strategy, the Office has sought to play a more active role in ensuring that repatriation is a truly durable solution by extending assistance to refugees who have returned to their own country and monitoring their welfare. In a number of operations, it has also sought to reinforce the security of internally displaced people and others who are at risk of being uprooted.

6. It is likely that UNHCR's activities in countries of origin will continue as international efforts are increasingly focused on addressing conditions which lead to refugee flows and promoting conditions conducive to lasting and safe return. In a number of areas, however, the scope of UNHCR's action requires further reflection in order to ensure that it is supported by international consensus, is firmly grounded in the principles of international protection, and is based on UNHCR's "comparative advantage" vis-à-vis other agencies with special competence in the fields of development and human rights.

7. In addressing the problems of solutions and prevention, UNHCR has neither an exclusive mandate nor a monopoly of expertise. Concerted action is needed in a whole range of areas, many of which fall beyond the competence of the Office and its traditional partners: the promotion of good governance and the rule of law, the protection of human rights, the maintenance of peace and security within and between States, the promotion of sustainable development and the management of mass migratory movements. Improved coordination with other humanitarian, human rights and development organizations must therefore be a central objective. At the same time, UNHCR has an obligation to adapt its own systems and structures in such a way as to ensure maximum effectiveness in responding to the complex challenges that confront it.

III. VOLUNTARY REPATRIATION

8. During 1994 and 1995, some three million refugees returned to their countries of origin, most notably to Afghanistan, Mozambique and Myanmar. Approximately one third of that total repatriated with UNHCR assistance.

Return movements have continued in 1996. Solutions have been further consolidated in several other regions, especially in Central America, where the CIREFCA process was brought formally to a close in June 1994 and in South-East Asia with the conclusion of the Comprehensive Plan of Action (CPA) in June 1996. At the end of 1995, UNHCR was assisting some 2.7 million returnees out of a total of 3.4 million that the Office considered to be of its continued concern.

9. UNHCR's solution-oriented strategy, with its strong emphasis on voluntary repatriation and the reintegration of displaced populations in their country of origin, has raised important issues that merit further consideration by the Executive Committee, notably the international protection aspects of return and reintegration, especially in situations where conditions in countries of origin are less than optimal; the sustainability of reintegration and its relationship to the development process; and the broader challenges of reconciliation and peace-building in societies emerging from conflict.

10. More consistent efforts are needed to link repatriation with reintegration, reconciliation and reconstruction efforts. This requires an improved understanding of the complex relationship between peace, humanitarian action, development and good governance. Among basic questions that the Office will continue to explore in close consultation with the Executive Committee are the following:

- How can respect for the fundamental principals of international protection best be secured in repatriation situations?
- How do international protection and assistance interrelate in reintegration situations?
- What are the scope, limits and duration of UNHCR's role following repatriation and how can appropriate exit strategies best be ensured?
- What role can UNHCR and Governments play to ensure that repatriation is more consistently linked with reintegration, reconciliation and reconstruction efforts?
- What forms of institutional relationships are required to achieve this and how can their predictability be ensured?
- How can resources best be mobilized to support the action of humanitarian and other organizations in the consolidation of solutions?

11. While voluntary repatriation is the strongly preferred durable solution to contemporary problems of forced displacement, it is not always a feasible or a desirable solution. Some refugee-producing situations may be of a long-term nature, requiring other solutions at least for some of those involved. Moreover, the security of individuals and indeed of societies and regions may, on occasion, be better served by other solutions. Local integration and resettlement should continue to belong to the catalogue of durable solutions for refugee problems.

IV. LOCAL INTEGRATION

12. In recent years, opportunities for local integration have been increasingly limited. The burden imposed by the massive presence of refugees on the developing countries in which the majority of them have sought asylum has reduced the scope for local integration initiatives, especially in a context of declining overseas development aid and limited resources for refugee aid and development.

13. The international community might profitably reassess the potential for local integration as part of an overall package of solutions to particular refugee problems, especially where strong ethnic or other cultural ties exist between refugees and their country of asylum. Such a reassessment would need to focus on developing viable assistance strategies, as sustained international commitment is needed to enhance the ability of many host countries to offer possibilities for local integration.

- Under what circumstances should local integration be envisaged as part of a package of solutions to a refugee problem?
- What forms of support can be provided to countries of asylum to facilitate this solution?

V. RESETTLEMENT

14. In 1995, some 30,000 refugees from more than 40 countries of first asylum were resettled under UNHCR auspices to a dozen principal resettlement countries. Third country resettlement may ultimately be considered as a solution for refugees who cannot return home safely and whose security or well being cannot be assured in their country of asylum. As part of a more comprehensive approach, resettlement may be offered on the basis of "burden-sharing" arrangements with a view to protecting the individuals concerned and strengthening the goodwill of first asylum countries. For the most part, however, resettlement programmes in the 1990s have tended to be more protection oriented and to involve smaller numbers of people.

15. At the present time, ten Governments have established refugee admission quotas or ceilings, while a number of others accept resettlement cases on an ad hoc basis. UNHCR and Governments have agreed on the need to make an effort to increase the number of countries offering resettlement opportunities.

16. UNHCR is also committed to exploring regional resettlement solutions to refugee problems, provided that the protection of refugees can be ensured. Regional resettlement opportunities are often, *a priori*, less expensive, less disruptive for the refugee family, and more promising in terms of eventual voluntary repatriation. In various parts of the world, however, large-scale refugee movements have exacerbated economic, social and environmental problems, making regional resettlement solutions more difficult to secure.

17. Decisions concerning local integration and/or resettlement programmes must be sensitive to the impact they may have in impeding voluntary repatriation or in inducing additional migratory movements. In some situations, they may be better managed within the context of a comprehensive package of solutions to be implemented within a fixed time frame.

- How can additional countries be encouraged to participate in refugee resettlement, including in regional resettlement programmes?
- How can local integration and resettlement be best applied without diminishing overall prospects for repatriation?

V. PREVENTION

18. Humanitarian organizations, including UNHCR, have by their nature tended to focus more on the effects of problems than on their causes. Pure preventive action which seeks to address the root causes of forced displacement falls largely outside the mandate of UNHCR.

19. Nevertheless, there is often a link between the resolution of existing refugee problems and the prevention of new population displacement. Most frequently, the preventive efforts of UNHCR are closely linked to the promotion of solutions and have come into play in situations where large-scale human displacement has already occurred. In such situations, UNHCR has continued to promote and participate in strategies at international, regional or sub-regional levels that may help contain and ameliorate fragile situations. It has attempted to address or attenuate, wherever possible, the causes of refugee flows or, failing that, to reduce the necessity for affected populations or individuals to seek asylum across international borders.

20. As part of these efforts, UNHCR has, at the request of the Secretary-General, continued or expanded its involvement in assisting and seeking solutions for groups of internally displaced, especially where there is a direct link to a refugee problem.

21. Recognizing that, without effective preventive action, problems of human displacement will continue to spread, UNHCR has strengthened its institution-building and training activities in various parts of the world. With the encouragement of the Executive Committee, it has also stepped up its activities on behalf of stateless persons. In addition, UNHCR and IOM have continued their collaboration in mass information campaigns.

- What are the scope and limits of UNHCR's role in areas where there are strong indications of emerging crisis?
- What are the scope and limits of UNHCR's role in countries of origin to ameliorate refugee producing situations once they have occurred?
- How can a more coherent and predictable approach be developed regarding responsibilities for internally displaced persons?

- How can the regional mechanisms for conflict resolution be better supported and reinforced?

VI. COMPREHENSIVE APPROACHES

22. Despite achievements in promoting solutions to problems of displacement in recent years, a number of the world's major refugee situations have remained intractable. Moreover, current developments suggest the likelihood of continued ethnic regional conflicts. Preventing and containing such conflicts, and protecting and finding solutions for the refugees and displaced persons they produce, are likely to remain major preoccupations for the international community.

23. Given the interrelated causes and consequences of contemporary refugee crises, there has been a growing recognition of the need to tackle the refugee issue and other transitional problems in an integrated fashion. There is a new awareness that lasting solutions to complex, refugee-producing emergencies require comprehensive efforts which involve both countries of origin and of asylum, which embrace prevention, protection and solutions, and which are complemented, as appropriate, by international and/or regional initiatives to resolve conflict and promote development.

24. Through the CPA in South-East Asia and the CIREFCA process in Central America, UNHCR sought to devise integrated regional strategies to address existing problems of displacement and to prevent further population movements. Most recently, the scale of actual and potential problems of displacement in the countries of the Commonwealth of Independent States led to an important initiative which seeks to address current problems of displacement and prevent their proliferation. The programme of action adopted at the CIS Conference held in Geneva in May 1996 contains measures to prevent unnecessary movements and address the consequences of past, present and future displacements.

25. These plans of action, for all their diversity, are 'comprehensive' in a number of different ways. First, they bring together all of the States which are affected by a refugee problem, including, most crucially, countries of origin, in a framework of international cooperation. Second, they allow a wide range of different actors - States, regional bodies, the political organs of the United Nations, development agencies, non-governmental organizations, UNHCR and other humanitarian agencies - to coordinate their efforts. Third, such plans of action facilitate a holistic approach to the tasks of solutions and prevention, addressing root causes such as human rights violations, political and social conflicts and economic disruption.

26. Such comprehensive and integrated initiatives illustrate an approach which may merit further systematic exploration in other regions affected by problems of mass displacement.

- To what extent can solution-oriented and preventive approaches be applied to other regions?
- Which regions might be ripe for such approaches?

- How can the international community better respond to the needs of conflict-ridden States from the political, humanitarian and development perspectives?
- What are the fundamental humanitarian principles that need to underlie comprehensive approaches and how can they best be safeguarded?

VII. RELATED DOCUMENTATION

27. The following Standing Committee and Executive Committee documents which have been issued since the beginning of the forty-sixth session in October 1995 are of relevance to the debate:

Follow-Up to ECOSOC resolution 1995/56: UNHCR Activities in Countries of Origin (EC/46/SC/CRP.16);

UNHCR's Protection Role in Countries of Origin (EC/46/SC/CRP.17);

Note on International Protection (A/AC.96/863);

UNHCR' Role in National Legal and Judicial Capacity-Building (EC/46/SC/CRP.31);

Resettlement: An Instrument of International Protection (EC/46/SC/CRP.32);

UNHCR Activities in relation to Prevention (EC/46/SC/CRP.33);

The Return of Persons not in need of International Protection (EC/46/SC/CRP.36);

Coordination of Humanitarian Operations (EC/46/SC/CRP.47);

Project Delphi: Action Plan (EC/46/SC/CRP.48);

Overview of UNHCR Activities (A/AC.96/865);

Report on the Outcome of and follow-up to the CIS Conference (A/AC.96/867).