

REFUGEE AND PROTECTION AND DURABLE SOLUTIONS  
IN THE CONTEXT OF INTERNATIONAL MIGRATION AND DEVELOPMENT

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A. INTRODUCTION

The Office of the United Nations High Commissioner for Refugees (UNHCR) is not a development agency, nor does it have a mandate regarding international migration management. UNHCR's mandate is to provide international protection to refugees and find durable solutions to the problem of refugees, in accordance with its statute and international standards *inter alia* set out in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. The United Nations General Assembly gave UNHCR a formal mandate to prevent and reduce statelessness and UNHCR has also assumed responsibilities with regard to internally displaced persons. Yet, in many areas, issues relating to international migration and development are of significance to UNHCR in light of implications for persons of concern to the organization.

For the purpose of this meeting, the paper will focus on two areas: first, international migration and refugee protection; and second, the importance of a "development" approach to durable solutions for refugees.

B. INTERNATIONAL MIGRATION AND PROTECTION OF REFUGEES

Movements across international borders continue unabated. Often people take considerable risks, for example, by taking un-seaworthy boats crossing the Gulf of Aden and the Mediterranean, to migrate. "Mixed migration", situations in which individuals with different objectives move alongside each other using the same routes and means of transport or engaging the services of the same smugglers, can raise serious protection concerns. Apart from the dangers *en route*, proper reception arrangements are not always in place, and border control measures are not always sufficiently protection-sensitive, increasing the risk of refoulement.

As international migration continues to grow in scale and complexity, UNHCR promotes comprehensive approaches to migration that take into account international protection responsibilities of States, and the right of individuals to seek asylum and to have their human rights protected. Measures to curb irregular migration must not prevent refugees from having access to international protection.

In response to a growing need to ensure refugee protection within the context of mixed migration, UNHCR issued a Ten-point Plan on Refugee Protection and Mixed Migration, aimed at providing practical guidance to States and relevant agencies on how to develop comprehensive strategies in managing international migration that would be sensitive to the international protection needs of refugees and other groups.<sup>1</sup> During the High Commissioner for Refugees' Dialogue on Protection Challenges held in Geneva, Switzerland, from 11 to 12 December 2007, the theme of migration and asylum was addressed and participants acknowledged the direct

relevance of the Ten-point Plan for better management of refugee protection and international migration.

UNHCR initiated several follow-up activities at regional and global levels. One is a three-year project entitled “UNHCR’s Ten-Point Plan in Central America, Eastern Africa, Southern Africa and Western Africa,” which received funding from the European Commission and has been implemented since 2008 and will end in 2010. The project consists of two interrelated components: the development of implementation strategies for the Ten-Point Plan in four different regions through regional stakeholder conferences, and further development and elaboration of the Ten-Point Plan as a tool through expert roundtables and a publication entitled *Best Practice Handbook*.

Two regional conferences have been convened thus far; the first one on refugee protection and international migration in the Gulf of Aden in Sana’a, Yemen, from 19 to 20 May 2008. The second, dealing with refugee protection and international migration with a special focus on reviewing protection dimensions respecting intra-regional movements in Western Africa, was held in Dakar, Senegal, from 13 to 14 November 2008. The third will address refugee protection and international migration in the Americas and will take place in Central America in mid-November 2009; while the fourth will be held in Asia. The aim of these conferences is to support pragmatic regional strategies which would respond comprehensively and in a protection-sensitive way to the challenges of mixed migration flows drawing from elements in the Ten-Point Plan.

UNHCR has also convened a series of expert roundtables. The first one was held in cooperation with the Graduate Institute of International and Development Studies in Geneva, Switzerland, titled “Controlling borders while ensuring protection,” held in Geneva from 20 to 21 November 2008, the second one co-organized with the International Labour Organization (ILO) and the International Organization for Migration (IOM) titled “Different people, different needs” focusing on cooperation mechanisms for identification and protection of persons with specific needs in a mixed migration context held in Tunis, Tunisia, from 6 to 8 July 2009. A third one will be held in cooperation with ILO and IOM on the return of non-refugees and alternative migration options at the end of November 2009; and a fourth will be convened in 2010 focusing on cooperation among key partners in relation to secondary movements.

The compilation of practical examples related to the Ten-Point Plan aims to complement these efforts. The provisional release of the *Best Practice Handbook* draws from over 100 examples and many tools from different regions that are relevant to the implementation of the Ten-Point Plan. The book will be finalized after comments and feedback are received from Governments and partner agencies.

### C. DEVELOPMENT APPROACH TO DURABLE SOLUTIONS FOR REFUGEES

In 2010, an estimated 214 million people will be living outside their country of birth; 16.3 million will be refugees in 2010—including those under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (United Nations, 2009). One priority area of UNHCR’s work is to reinvigorate durable solutions, in particular for those who are in protracted refugee situations. Whether in urban contexts or in camp settings, the majority of refugees lives in developing countries, primarily in Africa and Asia, which are also struggling to meet the basic needs of their own populations. By supporting refugees to find solutions through self reliance and livelihoods in host countries one could contribute to

developing the local economy and communities, and would help reduce secondary movement of refugees in search of durable solutions.

Integrating refugee programmes into national development plans is important for bringing gains to both refugees and local communities. In this sense, refugees could be “agents of development.” Development-related activities are central to viable management of protracted refugee situations, and in the recent past, UNHCR’s programmes have started to shift from a focus on care and maintenance to supporting refugees and their host communities. It was intended to develop livelihood opportunities and promote self reliance of refugees, capitalizing on their skills and their potential to contribute to the local economy. In this context, working with partner United Nations agencies and their country teams, and incorporating refugee protection into longer-term development plans of the host country could enable additional support to be made available to refugees and local communities and contribute to ensuring sustainability of solutions.

UNHCR has joined the United Nations Development Group and continues to refine its engagement in the United Nations Development Assistance Framework (UNDAF) and in the Delivering as One Initiative, an initiative that was launched in 2007 to better coordinate United Nations development assistance provided to a selected group of less developed countries. In several pilot countries, refugees and other persons of concern to UNHCR are part of the overall national development priorities. Focusing on community-based projects so as to also benefit local communities, UNHCR has initiatives in the following countries: (a) Pakistan, in relation to Afghan refugees; (b) Tanzania, in relation to Burundian refugees displaced since 1972; (c) Albania, in relation to stateless Roma; (d) Mozambique, in support of skills-training for Congolese refugees, particularly women and girls in camps under the “Women Leading for Livelihoods” initiative, and (e) Rwanda, in relation to poverty reduction and social vulnerability for Congolese and Burundian refugees pending repatriation home.

Refugees constitute an important part of the labour force if granted freedom of movement and provided with access to local labour markets. In West Africa, the provisions of the 1979 Protocol Relating to Free Movement of Persons, Residence and Establishment and four supplementary protocols, adopted by the Economic Community of West African States (ECOWAS), provide a legal basis for the continued stay of people from ECOWAS member States in their host country after their refugee status has ceased. Liberian and Sierra Leonean refugees, for example, who do not wish to repatriate to their home countries, have benefited from this opportunity. The right to reside and work enabled refugees to retain their nationality while continuing to reside and work in the host country. UNHCR’s local integration initiative for these two groups of refugees focuses on the following seven countries: Côte d’Ivoire, Gambia, Ghana, Guinea, Liberia, Nigeria and Sierra Leone.

Whether in camps or urban settings, UNHCR considers it particularly important that refugees have secure status, are empowered to become self reliant and are able to access livelihood opportunities, as mentioned above. As part of UNHCR’s efforts to reinvigorate the search for solutions for protracted refugee situations, the High Commissioner’s Dialogue on Protection Challenges, held in Geneva, Switzerland, from 10 to 11 December 2008, identified five key protracted refugee situations, and specific plans of action were formulated to address them. Additionally, in relation to refugees in urban situations and in acknowledgement of the importance of a human rights and development approach to protection in urban settings, UNHCR recently issued a report entitled *UNHCR policy on refugee protection and solutions in urban areas*. The report updates its existing policy, with a focus on enabling refugees in urban settings to (a) secure legal status; (b) develop livelihood capabilities and access essential services; (c) expand community support, and (d) reinforce local partnerships.

#### D. COORDINATION OF ACTIVITIES IN THE AREA OF INTERNATIONAL MIGRATION AND DEVELOPMENT

UNHCR engages in activities to promote good practice in development and migration. Working with the European Commission (EC), ILO, IOM, UNDP and UNFPA, the organization is active in the European Commission-United Nations Joint Migration and Development Initiative (JMIDI). The overall objective of this initiative is to support civil society organizations and local authorities seeking to contribute to linking migration and development. The Joint Initiative also aims to (a) set up and reinforce networks of actors working on migration and development, and (b) identify good practice in this field and share information on what actually works at the local and international levels among those who are active in this field with a view to feeding into policy-making on migration and development.

#### E. CONCLUSION

Migration and development approaches need to be sensitive to issues of protection and solutions, if individuals are to be supported to exercise their human rights, realize their potential, meet their needs, and fulfill their aspirations. Refugees need to be supported to use their skills and find sustainable solutions, whether in their country of origin, upon return or in a host country. The 16.3 million refugees worldwide in 2010 must be viewed as a significant resource that cannot be overlooked in the current financial crisis.

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#### NOTE

<sup>1</sup> The growing scope, scale and complexity of population movements have multiplied the points of intersection between refugee protection and international migration. See UNHCR, "Refugee Protection and Mixed Migration: The Ten-Point Plan in action" (accessed 10 March 2010); for the original Ten-Point Plan, see <http://www.unhcr.org/protect/PROTECTION/4742a30b4.pdf> (accessed 10 March 2010).

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