

DRAFT<sup>1</sup> CONCLUSION ON PROTRACTED REFUGEE SITUATIONS

*The Executive Committee,*

~~[PP1—Turning its attention to the plight of millions of refugees worldwide<sup>2</sup> who remain trapped in “protracted situations”, i.e. situations of displacement in which 25,000 or more refugees have continued to live in exile for five years or longer,<sup>3</sup>]~~

~~[PP1alt Noting with deep concern [turning its attention to] the plight of millions of refugees worldwide who remain trapped in “protracted refugee situations”, i.e. protracted situations [of displacement] in which refugees find themselves in an intractable state of limbo /for which a durable solution is not available for a long period of time or within a foreseeable future, [wherein the durable solutions for them could not be met for a long period of time] in particular when their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile and when the capacities of host states are strained or exhausted .] [where host States and their capacities are under strain.],~~

[PP1alt 2 **Noting with deep concern the plight of millions of refugees worldwide who remained/continue to be trapped in [a persistent situation/ [in “protracted refugee situations”], i.e. [persist/remain] without implementation of] durable solutions [many years/for 5 years or more] after their initial displacement / situations where thousands of more than 25,000 refugees continue to be trapped for more than 5 years],**

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<sup>1</sup> Footnotes and bracketed references to previous Conclusions at the end of paragraphs are provided for ease of reference during the process of negotiation of the draft text. Once the final text of the Conclusion has been adopted, these will be deleted.

<sup>2</sup> ~~N.B. this Conclusion excludes Palestinian refugees from its scope, as they fall under the mandate of UNRWA and are therefore not persons of concern to UNHCR.~~

<sup>3</sup> ~~See Standing Committee conference room papers *Protracted Refugee Situations* (EC/54/SC/CRP.14), June 2004, para. 5 and *Protracted Refugee Situations: Revisiting the Problem* (EC/59/SC/CRP.13), 2 June 2008, para. 10. These papers recall that at the time of writing, some 5.2 million of the world’s refugees have been living in exile for more than five years.~~

[PP1 alt 3] Noting with deep concern the plight of millions of refugees worldwide who remain trapped in “protracted refugee situations,” situations **due to/ in which durable solutions are not accessible** ~~where by refugees lack access to and/or implementation of durable solutions for many years after~~ **the refugees’** ~~their~~ initial displacement **which** ~~i.e. persist without access to the implementation of durable solutions or as well as to their implementation thereof~~ for many years after their initial displacement.

[PP1bis ~~PP11~~ ~~Drawing on~~ *Recalling* the principles, guidance and approaches elaborated in previous Conclusions of the Executive Committee which are pertinent to protracted situations, ~~[including, notably, Conclusions No. 100 (LV) on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations; No. 101 (LV) on Legal Safety Issues in the Context of Voluntary Repatriation of Refugees; No. 104 (LVI) on Local Integration; No. 105 (LVII) on Women and Girls at Risk; and No. 107 (LVIII) on Children at Risk], [as well as noting the results of/the discussions during the 2008 High Commissioner’s Dialogue,]~~

[PP1ter ~~PP9~~] *Welcoming* the initiatives taken by the High Commissioner to maximize all opportunities to unlock and find comprehensive solutions to the existing protracted refugee situations, including the convening in 2008 of a High Commissioner’s Dialogue on Protection Challenges on the specific topic of protracted refugee situations, *[No. 108, para. (m)]*

PP2 *Deeply concerned* over the detrimental effects of long-lasting and intractable exile on the physical, mental, social, cultural and economic well-being of refugees, ~~[especially where these refugees face situations of heightened risk] [as well as on the hosting communities] [especially where there is no prospect of return for these refugees, concern over very few resettlement places, inadequate international burden sharing, their [basic] rights remain seriously constrained; they have limited or no opportunities to be employed or become self-reliant; and they who are compelled to depend interminably on external relief assistance],-~~

**[PP2bis Recognizing that priorities for responding to protracted refugee situations are different from those of emergencies],**

PP3 *Acknowledging* that protracted refugee situations also impose considerable burdens and generate [significant problems/**challenges**] in different sectors for host States and communities which are often developing, in transition, or with limited resources [**and facing other constraints**]; [~~and recognizing that they may already be facing profound social, economic and developmental constraints of their own, including poverty and limited basic public services and amenities,~~] [No. 81, para. (j); No. 87 para (b); No. 89 PP6; No. 90 para. (d); No. 95 para (g); No. 99 para. (e)]

PP4 *Expressing deep appreciation* for the generosity, commitment and determination which these States nevertheless continue to demonstrate in hosting refugees and asylum-seekers, providing protection and facilitating essential humanitarian interventions on their behalf, in keeping with international refugee law, international human rights law and international humanitarian law **as applicable**, [No. 81, para. (j); No. 87 para (b); No. 89 PP6; No. 90 para. (d); No. 95 para (g); No. 99 para. (e)]; [No. 85, para. (d); No. 105]

~~[[PP4 bis PP8]Affirming that [attention should also be paid to/support should be provided to address] the problems and needs of the host States, especially the local host communities which may face social and economic deprivation similar to that of the refugees, as well as to the consequences of hosting large numbers of refugees on the local environment and natural resources,]~~

~~[PP4 ter PP10]Further acknowledging that refugees are capable of fending for themselves and of making significant contributions to their host societies once they are provided with appropriate conditions and opportunities and are involved in efforts made on their behalf,~~

[PP4 ter alt1 PP10 **Reaffirming/Noting the importance of participatory approaches and acknowledging** that refugees [are capable of fending for themselves and of] **make** [making] significant contributions to their host societies once they are provided with appropriate conditions and opportunities **to become self-reliant** and are **most often**

**successful when they are actively** involved in efforts **undertaken** [made] on their behalf; [as well as] *emphasizing the importance of aligning self-reliance strategies with efforts to support refugee-hosting communities and, in all cases, of incorporating and aligning [strategies] as far as possible with national development plans,*]

[[PP4 quater ~~PP7~~] *Further recalling* the fundamental role and responsibility of [all countries especially] the countries of origin **to undertake all possible measures** to prevent ~~and address the root causes and prevent~~ of situations that provoke the forced displacement, to address their root causes ~~of people/refugees in the first instance~~, and to promote and facilitate ~~the/~~**their** voluntary return home from exile **at an early date** and sustainable reintegration of [their nationals/**refugees**] in safety, dignity and social and economic security,]

[[PP4 quater bis ~~quinquies~~] **Recognizing that durable solutions are directly linked to restitution of all previously acquired individual rights in countries of origin and therefore the/that there is a need to establish an efficient mechanism of repossession of rights of refugees in protracted situations]**

PP5 *Further appreciating* those States which have taken [~~exceptional~~] measures to ~~finally~~ bring to an end some of the most enduring refugee situations **including** through **concrete support to a comprehensive framework which includes:** the **voluntary** return to the **country of origin** ~~home country of refugees wishing to do so even after decades in exile~~, local integration, [**that could include naturalization/including** the acquisition of citizenship through naturalization] [**when appropriate**]; ~~the return to the home country of refugees wishing to do so even after decades in exile~~; and the provision of special resettlement places ~~for those for whom this is the only feasible solution~~,

PP6 *Underlining* that the **status quo is not an acceptable option and**, while **every situation is unique /and while** “no one size fits all”, all feasible **and practical** efforts should be taken to unlock all continuing protracted situations **especially through the implementation of durable solutions** in the spirit of international solidarity and burden sharing, bearing in mind the principles of international protection of refugees [**and the**

**necessity of implementation of durable solutions]** as established in international refugee law, [and, where appropriate/**applicable**, drawing upon good practices and lessons learned that have proved effective in other situations, [No. 100; No. 108, para. (m)]]

~~[PP6 bis] Acknowledging UNHCR's role as the cluster lead for protection, camp coordination and management, and emergency shelter.~~

[PP7 PP12] [*Mindful* that there are compelling legal, protection, **health**, social and economic problems in situations of statelessness and of internal displacement, which can also become protracted, and which should therefore also receive attention in their own right,]

[PP8 *Further acknowledging that in times of global financial and economic crises, the impacts are severe for the most vulnerable, not least refugees in protracted situations and their host countries, hence the need to give special attention to those who are most affected by the crises*],

OP1 *Calls upon* States and all other relevant actors to commit themselves, in a spirit of international solidarity and burden sharing, to comprehensive, multilateral and multi-sectoral collaboration and action in addressing the root causes of forced human displacement; in ensuring that people are not compelled to flee their countries of origin in the first place to find safety elsewhere; and in resolving the protracted refugee situations which persist, in full respect for the rights and legitimate expectations of the affected persons, while also taking close account of the concerns of the host States and affected communities;

OP2 *Underlines* that while one or another solution may be more directly applicable to each respective protracted situation, all solutions will usually complement and intersect with each other, requiring careful tailoring, sequencing and phasing in some situations, while in others they may have to be applied simultaneously: in all cases they should be incorporated and aligned as far as possible with national development plans;

OP3 *Reiterates* that, while bearing in mind the complementary and reinforcing nature of all solutions, voluntary repatriation should be pursued on a priority basis in all feasible cases; and *renews* its call to countries of origin, countries of asylum, UNHCR, and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their countries of origin and homes in safety and dignity; [No. 85, para. (hh)][No. 101, PP5; No. 104, PP1]

OP4 *Underlines* the responsibility of States of origin to create and/or ensure conditions which allow people to return home free of fear, even after they have remained in exile for extended periods of time, *inter alia*, through the promotion of poverty alleviation; respect for human rights and fundamental freedoms and the rule of law; legal and administrative measures to enable refugees to confirm, acquire or re-acquire the nationality of their country of origin and repossess land and property rights lost prior to or during exile; [No. 80, para. (a); No. 81, para. (c); No. 100, 2004, PP3 and para. (c)]; [No. 108, para. (l)] [No. 68, para. (s); No. 101, paras. (h), (i)]

OP5 *Recognizes* that protracted refugee situations can increase the risks to which refugees may be exposed and that, in this respect, there is a need to prevent, identify and respond effectively to the specific protection concerns of men, women, girls and boys, in particular, unaccompanied and separated children, adolescents, persons with disabilities, and older persons, who may be exposed to heightened risks, including sexual and gender-based violence and other forms of violence and exploitation; and *encourages* UNHCR and States to pursue age, gender and diversity mainstreaming and participatory approaches with a view to guaranteeing the safety, well-being and development of refugees and promoting appropriate solutions for them; [No. 102, para (p); No. 104, para. (o); No. 105, para. (i)(iv); No. 108, paras. (f) and (h)]; [No. 87, para. (o); No. 89, PP4; No. 90, para. (i); No. 94, PP9; No. 98, PP6; No. 102, para. (f); No. 105, para. (e); No. 108, para. (k)]

OP6 *Urges* States, UNHCR and other partners to continue pursuing proactively all prospects for solutions in the countries of asylum in a manner that reduces dependency, promotes the self-sufficiency of refugees and invests in future durable solutions, and, in

this connection, to: (i) employ a rights and community-based approach in engaging constructively with persons of concern and their host communities in the decisions that affect their lives, including through partnership with national human rights and humanitarian and development organizations; (ii) facilitate the participation by refugees in the economic life of their host communities, including in wage-earning employment, agriculture, industry, handicrafts, commerce and the liberal professions, so as to enhance their protection; (iii) provide access to primary, secondary, tertiary and non-formal education opportunities for refugees, including through national education systems; (iv) facilitate their access to health, justice and other national public and social facilities and amenities; and (v) wherever and whenever feasible, grant secure legal status and residency rights, including citizenship through naturalization; [No. 104, paras. (m) (f), (j); No. 104, PP12)]; [No. 102, para. (m); No. 104, PP12]; [No. 107, para. (b)(x); No. 108, PP2]; [1951 Convention, Articles 17–19, 21]

OP7 *Encourages* States and UNHCR to actively pursue, in parallel with voluntary repatriation or local integration efforts, or when repatriation or local integration is not feasible in protracted refugee situations, the strategic use of resettlement in a spirit of international burden and responsibility sharing; and *calls upon* States to provide additional resettlement places and to explore more flexible approaches to bridge any gaps which may exist between the resettlement criteria they use and the specific needs and situation of refugees in protracted situations, who may face difficulties in articulating a detailed claim; [No. 99, para. (x)]

OP8 *Calls upon* States, UNHCR and partners to ensure that humanitarian, development and immigration actors are actively involved in the pursuit of durable solutions, and that the situation of refugees in protracted refugee situations is mainstreamed into development planning, peacemaking, peacekeeping and peace-building endeavours, in order to effectively create the necessary conditions to bring displacement to an end in an appropriate way;

OP9 *Urges* States, UNHCR and partners to pursue active and effective partnerships and coordination in this respect, and to develop new opportunities for partnership; the UN

Delivering as One initiative; strengthened cooperation with the Peacebuilding Commission; and partnerships with other actors such as regional bodies, parliaments, mayors, business leaders, the media and diaspora communities;<sup>4</sup> [ *No. 108, para. (m)*]

OP10 While reiterating that there is no “one size” which fits all protracted situations, *affirms* that good practices and lessons learned in protracted situations can prove valuable; and *recommends* to UNHCR, host countries, countries of origin, resettlement countries and other stakeholders the use of “core” or “working” or “reference” groups, or other similar mechanisms which may be established in the Field, as a useful methodology to identify appropriate innovative, practical solutions, built around particular situations or themes, within a sub-regional, regional or multilateral context, for specific protracted situations; [ *No. 102, para. (q)*]

OP11 *Reaffirms* its call to the international community, in cooperation with UNHCR and other international organizations, to ensure the availability of financial and other resources, including in support of host communities, in order to provide protection and material assistance and achieve timely durable solutions; and *recommends* that this should include securing funding to expand secondary, vocational, tertiary and non-formal education opportunities for refugees, and ensuring refugees’ integration into national education systems. [ *No. 100, para. (l) (viii)*]; [ *No. 107, PP8*]

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<sup>4</sup> See GA Resolution 63/148, 2008, para. 19