



Annual Tripartite Consultations on Resettlement (Geneva, 20-21 June 2001)

The Use of Resettlement to Address Durable Solution Needs¹

The fundamental principle of refugee resettlement - as a tool of protection and durable solution - has been affirmed by the Executive Committee of the High Commissioner's Programme and numerous international meetings on refugees, including specifically the Annual Tripartite Consultations on Resettlement. Still, confusion exists about the role of resettlement in the scheme of other solutions. The focus of this note is to explore "the use of resettlement to address durable solution needs" and how resettlement responsibilities translate in practice. This includes the responsibility to ensure that resettlement is the appropriate solution and that a comprehensive approach to addressing refugee problems serves to enhance the viability of resettlement as well as other solutions. It exposes some of the challenges this presents, not only to governments but - more importantly - the institution of protection and the well-being of individual refugees for whom we [the international community] strive to find solutions.

1. *The Resettlement Responsibility*

The responsibility of refugee protection lies foremost with States. So too, the responsibility to uphold the integrity of refugee resettlement - as a tool of protection - should be cornerstone to governmental refugee resettlement programs. It is therefore incumbent on States to pay particular

attention to the resettlement of individual refugees with special protection needs. It is also incumbent on States to ensure that refugee resettlement is delivered in accordance with established international practice - and that a concerted effort is made by all stakeholders to remain true to the principles of protection. This includes the responsibility to ensure that resettlement is the appropriate solution and that a comprehensive approach to resettlement activities serves to enhance - rather than diminish - the viability of other solutions such as voluntary repatriation and integration in the country of refuge. In so doing, international co-operation is critical. That is, States must recognise that international solidarity and responsibility sharing are of direct importance to the effective implementation of refugee protection principles, and hence refugee resettlement.

2. *Resettlement and other Durable Solutions*

The nexus between resettlement and other durable solutions was affirmed in 1997 when the High Commissioner clarified that "the description of resettlement as a 'last resort' should not be interpreted to mean that there is a hierarchy of solutions and that resettlement is the *least* valuable or needed among them. For many refugees, resettlement is, in fact, the best - or perhaps, *only* - alternative."² In this context, resettlement was placed on par with other solutions, in recognition of its vital role as a tool of international protection and its equally important role as one of three durable solutions to be sought in order to bring the plight of refugees to an end.

¹ Adapted from the paper on "*Resettlement as a Tool of International Protection and Durable Solution*" by Sean Henderson, New Zealand Immigration Service, presented at the International Conference on the Reception and Integration of Resettled Refugees (Norrköping, Sweden, 25-27 April 2001).

² Speech by the United Nations High Commissioner for Refugees, Sadako Ogata, at the Annual Tripartite Consultations on Resettlement held in Geneva, June 1997.

Durable solutions for refugees are essentially about the protection of fundamental human rights. This is true for all refugees for whom resettlement may be sought. It applies to refugees with acute physical protection needs as well as refugees who have temporary physical protection but for whom no other durable solution appears viable. Still, the terms “resettlement” and “durable solution” have been interpreted in a manner that detracts from this important fact. It has been suggested by some that issues of “integration” in countries of resettlement diminish the viability of resettlement as a durable solution. So too, the viability of resettlement has been challenged by ill-conceived policies toward refugees that have failed to approach assistance programs and the search for solutions in a comprehensive manner. These bases have not allowed an appreciation of the actual interactive processes and mechanisms - the dynamics - of refugee resettlement in the context of other solutions. There is risk that the resulting impression of the working of resettlement may lead to ill-advised policies toward refugee problems and thereby ill-serve all refugees.

3. *The Use of Resettlement to Address Durable Solution Needs*

The need for comprehensive strategies to address durable solutions for refugees remains an important challenge for the international community. It is no longer tenable to act unilaterally or in an ad-hoc way in response to these issues. It is essential that States engage in comprehensive strategies - in partnership with the UNHCR and non-governmental agencies - that serve to reinforce protection principles and enhance the international response to refugee problems. Such strategies should include all stakeholders (including refugees) and, where possible, the States from where individuals have fled for fear of persecution. The challenge is to ensure the international protection system operates in a cohesive and effective manner, whilst efforts are also made to focus on the root causes of refugee problems.

There is consensus that co-operation and capacity building among governments and international agencies is required to meet the challenge presented by the refugee problem. In so doing, governments have a responsibility to support the UNHCR in its efforts to reinforce a broad strategic approach to finding solutions. This includes the need to strengthen the viability of voluntary repatriation and local integration in countries of refuge, and the capacity of States to participate. Hence, it is the responsibility of the international community to engage in bilateral, regional and multilateral efforts to map a *comprehensive plan of action* to find durable solutions for all refugees and, thereby, give resettlement the legitimacy it deserves. That is, the effective use of resettlement requires simultaneous responses in implementing other solutions. So, the residual effects of resettlement activities should not be seen to include populations of refugees for whom no durable solution can be found, but rather the opposite. Finding the balance is of vital importance to sustain “buy-in” by governments. So too, the use of resettlement to address durable solution needs is contingent on flexible and responsive resettlement systems.

The development of the UNHCR Resettlement Handbook in 1997 marked an important milestone in the articulation of resettlement policy and practice, which has immeasurably enhanced global resettlement activity. Still, the effective implementation of the resettlement guidelines - at the field level - remains a challenge. The “buy-in” of resettlement countries to receive submissions through the UNHCR and to maintain flexible and responsive resettlement systems hinges on a few critical aspects of resettlement delivery: (i) the integrity of operations; (ii) transparency and consistency in the process; and, (iii) capacity to deliver quality outcomes.

The integrity of resettlement operations is critical to ensure that individuals most in need of resettlement are identified and assisted within a reasonable time. So too, the integrity of resettlement is vital to sustain public support for resettlement programs and thereby ensure governments uphold the principles of protection. It follows that post-arrival services are geared to address the special needs of individuals and, therefore, work in harmony with the selection process. So too, transparency in the way resettlement is done, not only at the field level in terms of case

identification and assessment, but also the adjudication by the UNHCR and governments is critical to ensure both integrity and confidence in the process.

It should be recognised that the adjudication of resettlement eligibility by governments needs to be balanced against national considerations. Finding the balance is of vital importance to sustain “buy-in” by governments and their respective constituents. Just as the responsibility rests with governments to ensure flexible and responsive admission criteria and to provide post-arrival services to facilitate the reception and integration of resettled refugees, so too governments must manage risk whilst upholding principles of protection and human dignity. This balance needs to be factored into the resettlement equation and managed within the framework of comprehensive strategies.

One of the ways to measure the quality of refugee resettlement programs is through the quality of settlement outcomes. This is not to suggest that refugee resettlement criteria be based on an ill-defined notion of “integration potential”, but rather to recognise the relationship between the implementation of resettlement policy and practice and the post-arrival challenges faced by individual refugees. That is, the delivery of resettlement should serve to strengthen and improve access to refugees most in need of protection as well as recognise their special needs and, thereby, mitigate the adverse effects of resettlement that are beyond the capacity of post-arrival services to address. So too, receiving communities need to be fully cognisant of the protection framework within which a given resettlement operation has taken place.

It is the responsibility of all stakeholders to embrace change for the betterment of refugee protection. Still, some of the major inhibitors to achieving “best practice” in the area of refugee resettlement are systemic in nature. The development of consistent and professional standards in the delivery of resettlement not only applies to different refugee populations in different geographic regions but also the capacity of those empowered to shape the process. The challenge is to embrace new and innovative approaches at all levels of activity. In prioritising activities in the refugee resettlement area, change to cumbersome and ill-equipped and costly organisational structures - which have ill-served refugees - must rank highly in order to achieve quality results. Improvements in the way resettlement is delivered will have a corresponding positive impact at the post-arrival end of the continuum, and will strengthen the viability of other solutions.

So too, the challenging operational environment of resettlement presents a number of opportunities to reinforce bilateral and multilateral co-operation. The important contribution of new and emerging resettlement countries presents an opportunity to enhance global co-operation and strengthen the search for solutions. Vital to this is the role of governments and NGOs to share ideas on how resettlement might be improved and to take initiatives that can be translated into real benefits for refugees. An integrated approach across all sectors of activity - at the field level and in receiving communities - should aim to reinforce effective and efficient ways to improve the process. It is the responsibility of all stakeholders to achieve excellence in the refugee area. To find solutions and be pro-active in addressing needs are fundamental to resettlement work.