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Update on voluntary repatriation

Summary

This paper provides an overview of key developments in UNHCR's work on voluntary repatriation since the "Solutions strategies" paper (EC/66/SC/CRP.15) was presented to the Standing Committee in June 2015. Voluntary repatriation remained challenging in 2015, with the number of people repatriating still low compared to the number of refugees globally. As a result, UNHCR continued to stress the need to address the root causes of displacement in order to ensure conditions conducive to return. Voluntary repatriation, an essential element of the comprehensive solutions framework, requires long-term efforts by all stakeholders.

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I. Introduction

1. Voluntary repatriation – supported, where appropriate, by development assistance to facilitate sustainable reintegration – remains the preferred solution of most refugees.¹ As such, from the outset of a refugee situation, UNHCR keeps the possibility of voluntary repatriation for all or part of a group under “active review” until the circumstances are appropriate for this solution to be possible. In these situations, when conditions are conducive to return in safety and dignity, and in accordance with its mandate, UNHCR plays a leading role, collaborating with States and other partners to promote, facilitate, and coordinate voluntary repatriation. Tripartite commissions, for example, have proven to be useful mechanisms for the official recognition of refugee priorities and barriers to return, as well as ensuring refugee participation in planning and peace processes.

2. The decision to repatriate voluntarily is an individual one that is affected by a range of factors, including the circumstances surrounding flight and conditions for return. The 1951 Convention relating to the Status of Refugees indicates that “compelling reasons arising out of previous persecution” may explain why some are unable to return.² Despite persisting root causes of displacement, some refugees do return, influenced by a number of factors, such as long periods in exile. UNHCR recognizes the right of all individuals to return to their country of origin, even under adverse circumstances.

3. UNHCR’s holistic approach to solutions addresses a range of elements that are necessary to allow repatriated refugees to enjoy the realization of their legal, economic, social, cultural, civil and political rights, including: an inclusive analysis of the root causes of displacement and of obstacles to solutions; protection monitoring and advocacy in return areas; ensuring the participation of persons of concern in decision making, including in peace negotiations, peacebuilding activities and elections; promoting reconciliation among divided communities; supporting rule of law interventions such as access to justice and housing, land and property in return areas; collaborating on livelihoods interventions; and promoting the inclusion of returnees in national development planning.³

4. The purpose of this paper is to provide an update on UNHCR’s work on voluntary repatriation for refugees, as an integral part of the organization’s efforts to promote comprehensive solutions. The paper provides an overview of key developments since the “Solutions Strategies” paper (EC/66/SC/CRP.15) was presented to the Standing Committee in June 2015, and complements this year’s Solutions paper.⁴

II. Operational highlights

5. Conditions for voluntary repatriation continued to be challenging in 2015, with around 201,000⁵ returns during the year; the third lowest level of refugee returns in 20 years.⁶ Over the past two decades, an estimated 17.2 million refugees returned to their country of origin; however while some 12.9 million refugees were able to return between 1996 and 2005, just

¹ See e.g. UNHCR Executive Committee (ExCom) Conclusions: No. 68 (XLIII)–1992; No. 99 (LV)–2004; No. 104 (LVI)–2005; and No. 109 (LXI) – 2009.

² See Article 1C (5) para 2.

³ More information on UNHCR’s comprehensive solutions framework can be found in “New approaches to solutions” (EC /67/SC/CRP.14), available from: <http://www.unhcr.org/executive-committee.html>.

⁴ Ibid.

⁵ Please note that this figure remains under review.

⁶ A lower number of returns was recorded only in 2010 and 2014.

4.3 million did so in the following decade. The level of return has particularly diminished over the last five years, accounting for only 10 per cent of all returns over the 20 year period.

6. In principle, UNHCR does not promote returns to countries of origin in adverse circumstances; however, the Office may facilitate such returns following a consideration of the protection risks and benefits on a case-by-case basis. In all situations, it is important to continue work with governments, humanitarian and development partners, civil society and other actors to facilitate the reintegration of returning refugees and to assist internally displaced persons (IDPs).

7. Despite the challenging environment, progress has been made in certain contexts. The voluntary repatriation of Angolan refugees, for example, ended in September 2015, with approximately 4,600 persons returning in 2015. Overall, some 18,000 Angolan refugees returned home since 2014. In 2015, some 5,000 Rwandans voluntarily returned home, bringing the total number of returns to over 160,000 since 2000. Under the “Comprehensive solutions strategy for Rwandan refugees”, governments have committed to completing all voluntary returns by the end of 2016.

8. The pilot project to facilitate the voluntary repatriation of Somali refugees from Kenya was expanded in 2015 to extend support to refugees wishing to return to areas not previously covered by the initial project. Over the course of 2014 and 2015, UNHCR and partners supported 5,709 individuals in Kenya to return to Somalia. UNHCR established systems that support refugees in weighing the significant security and protection challenges that persist in Southern and Central Somalia prior to making the decision to return. UNHCR’s support in facilitating returns to parts of Somalia does not imply that these areas are safe for every individual.⁷ In Mali, the registration of returnees resumed in August, with over 4,000 spontaneous returns documented by the end of 2015. While conditions in the northern part of Mali are not conducive to the promotion of voluntary repatriation, preparatory work is ongoing, with tripartite agreements signed with Burkina Faso and Niger in 2014 and 2015. In Cote d’Ivoire, repatriation was suspended in 2014 due to the outbreak of Ebola in West Africa. Since the process resumed in December 2015, UNHCR has helped repatriate 16,030 Ivorian refugees⁸ from Liberia to their communities of origin.

9. While almost 60,000 Afghan refugees availed themselves of facilitated voluntary repatriation to Afghanistan in 2015, shrinking asylum space and lack of access to protection elsewhere is thought to have contributed to these returns. Positive political developments within Afghanistan in early 2015 generated hope for increased stability and opportunities to find solutions for displaced persons, however increased levels of conflict and insecurity are once more major drivers of displacement.⁹ There is also evidence of significant secondary displacement of returnees.¹⁰ Obstacles to successful return reported by both IDPs and returning refugees include increased insecurity in areas of origin; loss of livelihoods and assets; lack of access to health care and education; and difficulties in reclaiming land and property.¹¹ These obstacles highlight some of the general conditions that are necessary for voluntary repatriation to be successful. UNHCR continues to underscore the urgency of addressing the root causes of displacement, with a view to improving the protection environment in Afghanistan. It is important to continue work with Afghanistan’s National

⁷ See UNHCR, “International Protection Considerations with Regard to people fleeing Southern and Central Somalia”, 17 January 2014, HCR/PC/SOM/14/01, p.15, accessed from: <http://www.refworld.org/docid/52d7fc5f4.html>.

⁸ Figure up to 8th May 2016.

⁹ See UNHCR “Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan”, 19 April 2016, HCR/EG/AFG/16/02, p.28, accessed from: <http://www.refworld.org/docid/51ffdca34.html>.

¹⁰ Ibid., p. 31.

¹¹ Ibid., p. 31-32.

Unity Government, humanitarian and development partners, civil society and other actors to facilitate the reintegration of returning refugees and to assist IDPs

III. Challenges and opportunities

10. The main challenge to voluntary repatriation remains the absence of conditions conducive to return. Sustainable voluntary repatriation is therefore contingent on addressing root causes of displacement, including: persecution, conflict over resources, ethnic violence, human rights violations, and an absence of rule of law. A number of elements were identified during the High Commissioner's Dialogue on Protection Challenges in December 2015 as being essential to addressing these root causes, including: the identification of the drivers and triggers of conflict-related displacement; the support of and collaboration between political, humanitarian and development actors; regional cooperation, solidarity and responsibility-sharing; and long-term political support as well as financial commitment to solutions, including voluntary repatriation.¹²

11. Despite these challenges, UNHCR has identified opportunities in a number of operations to engage in activities that will encourage the stability necessary to bring about conditions conducive for return. Refugees from the Central African Republic, for example, stress that housing, land and property (HLP) issues are a main factor impeding their return. UNHCR and partners are working with the government to raise awareness with local authorities and law enforcement bodies; supporting them to create mechanisms to secure HLP assets left by displaced people and property restitution to returnees – providing targeted assistance to women. UNHCR and partners are providing social cohesion assistance, focusing on peace education, which is essential to supporting sustainable return.

12. In the Colombian context, in light of advances in the peace process in 2015 UNHCR and UNDP are supporting the development of a new comprehensive solutions strategy to follow on from the Transitional Solutions Initiative (TSI), contributing to efforts that will make return possible for some of the 350,000 Colombian refugees in the region and beyond.

13. Despite positive developments taking place in Myanmar, including the signing of the nationwide ceasefire agreement and elections in November 2015, many refugees remain reluctant to return. UNHCR has consequently coordinated a range of multi-stakeholder consultations, which included refugees, as well as discussions and detailed planning to address the needs identified by refugees and those already in return areas. A multi-partner housing, land, and property project is also contributing to other joint initiatives in return areas in order to remove existing obstacles to return.

14. Voluntary repatriation, as a comprehensive solution, requires long-term commitments on the part of States and their partners. The UN Secretary-General's 2011 Decision on Durable Solutions¹³, which provides a framework for multi-year, multi-partner strategies on durable solutions for returned refugees and IDPs in the aftermath of conflict, connects humanitarian and development actors under the leadership of national governments. The framework reflects the need to address a range of human rights, humanitarian, development, reconstruction and peace-building challenges in order for return and reintegration to be sustainable. The implementation of the Secretary-General's Decision from 2012-2015 in the pilot countries of Afghanistan, Côte d'Ivoire and Kyrgyzstan highlighted the importance of national government leadership and of the roles of refugee returnees, national civil society,

¹² High Commissioner's Dialogue on Protection Challenges: Understanding and addressing root causes of displacement, 16-17 December 2015, Palais des Nations, Geneva.

¹³ UN Secretary-General (UNSG), "Decision No.2011/20 - Durable Solutions: Follow up to the Secretary-General's 2009 report on peacebuilding", 4 October 2011.

the private sector and national and international NGOs. It also drew attention to the need to include repatriated refugees in national development plans and priorities, consistent with the 2030 Agenda and the global commitment to leave “no one behind”.

15. The Executive Committee has previously stressed the importance of strengthened cooperation between countries of origin, host countries, UNHCR and other international actors in support of sustainable voluntary repatriation.¹⁴ UNHCR collaborates with other United Nations entities, international and non-governmental organizations whose mandates and expertise in the rule of law, development, peacekeeping and peace-building can support the removal of legal, administrative and other barriers to return in countries of origin.¹⁵

16. The renewed commitment expressed by the Islamic Republics of Afghanistan, Iran and Pakistan at the high-level segment of the sixty-sixth session of the Executive Committee of the High Commissioner’s Programme in October 2015 is an important example of commitment towards voluntary repatriation, and durable solutions more broadly. The three countries also reiterated the importance of the “Solutions strategy for Afghan refugees to support voluntary repatriation, sustainable reintegration and assistance to host countries” as a regional, multi-year framework for solutions. There is, however, a general lack of financial resources, which presents additional challenges to voluntary repatriation; in this context, UNHCR calls for continued financial support from the international community to ensure successful implementation of the comprehensive strategy. Also in October, UNHCR and the EU co-hosted a pledging conference aimed at generating commitments for interventions supporting safe voluntary return from Kenya to Somalia, the conference, which was attended by over 50 States and organizations, generated pledges of over 90 million Euros. Efforts are ongoing to increase the funds to enable all Somali refugees who wish to return home, to do so with full support toward their successful reintegration.

IV. Conclusion

17. UNHCR is pursuing a progressive approach to solutions, which not only requires addressing root causes, but also the four dimensions from the outset, enabling persons of concern to enjoy their rights during displacement. The well-being and self-sufficiency of forcibly displaced persons benefit the communities in which they find themselves as well as those to which they will return. Refugees and IDPs who are able to retain and build their capacities while displaced are better equipped to contribute to peacebuilding efforts upon return. It is for this reason that UNHCR encourages partners, and in particular States, to take a holistic approach to solutions, of which sustainable voluntary repatriation is an essential part.

¹⁴ UNHCR, “Conclusion on Legal Safety Issues in the Context of Voluntary Repatriation of Refugees”, 8 October 2004, No. 101 (LV) - 2004, preamble, para. 15, available from: <http://www.refworld.org/docid/417527674.html>.

¹⁵ Ibid., para. (s).